

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41698 of 2024

Arising Out of PS. Case No.-682 Year-2023 Thana- BUXAR District- Buxar

Gopal Yadav Son Of Hari Shankar Yadav Village- Sohnpatti, Ward No. 22,
Ps- Buxar (T) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Buxar (Town) P.S. Case No. 682/2023 lodged on
18.12.2023 under Sections 302, 120B of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against one accused person other than the petitioner with
an allegation of killing the son of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The name
of the petitioner has figured in this case on the confessional
statement of the co-accused that the petitioner is also involved
in the killing of the son of the informant. Counsel submits that



the antecedent of the petitioner is not clean as two more criminal cases are pending against him, but in both cases, he has been granted bail. He further submits that except confession, there is nothing against the petitioner.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that paragraphs 39 and 49 are the confessional statement of the co-accused, but in the confessional statement it has come that the present petitioner along with others has brought the deceased from his house to a lonely place. It has also come that they have returned thereafter and subsequently, it is the named accused who has brutally assaulted the victim due to which death has been caused.

6. Upon perusal of the case diary, it transpires to this Court that there are several persons who have seen that the named accused has returned with the victim and left him near his house. All the witnesses have narrated that the petitioner after some time of leaving the victim with the named accused Raja Mishra when the victim was alive, left said place.

7. As such, let the above named petitioner be released on bail in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on being satisfied by the Trial Court that the petitioner is not absconding



in the cases as mentioned in paragraph no. 3 of the petition as (i) Buxar (T) P.S. Case No. 298/2022, (ii) Buxar (Industrial) P.S. Case No. 219 of 2018, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Buxar, in connection with Buxar (Town) P.S. Case No. 682 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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