

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50298 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Ajit Yadav S/O- Late Naresh Yadav R/O of Villl.- Rasalpur, P.S.- Naughachia,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Ranjan Kumar Jha, Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv. Mr. Mritunjay Kumar Mishra, Adv.
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Vikram Singh, Adv. Ms. Jyoti Ranjan Jha, Adv. Ms. Shrishti Rani, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and

learned APP for the State as also learned counsel for the

Informant. Perused the case diary.

2. The petitioner seeks bail in connection with

Naugachia P.S. Case No. 80 of 2024 instituted for the

offences under Sections 302, 387, 34 of the Indian Penal

Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of committing

murder of the Informant's son for non-fulfillment of demand



of extortion money. It is alleged that three persons fired upon the Informant's son as a result of which he succumbed to his injury. The specific allegation has been made against the petitioner of hatching conspiracy and demanding extortion money.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The F.I.R. has been lodged after the inquest report as well as the postmortem report. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Though the petitioner is named in the F.I.R. but, except suspicion, there is no direct or specific allegation of any overt act against him rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is not a single independent witness to support the case of the prosecution. Learned counsel for the petitioner further submits that the police has recorded the confessional statement of the



petitioner forcibly as per his desire which has got no evidentiary value in the eye of law. The petitioner has three criminal antecedents and in all of them, he is on bail and is languishing in judicial custody since 08.04.2024 without any rhymes or reason. Charge-sheet has already been submitted against the petitioner in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is an allegation of hatching criminal conspiracy against him.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Naugachia P.S. Case No. 80 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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