

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51049 of 2024

Arising Out of PS. Case No.-796 Year-2022 Thana- KHAGARIA District- Khagaria

Deepak Yadav Son of Mahesh Yadav Resident of Village - Hathwan, P.S.-
Alauli, District - Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kashyap
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Khagaria (Gangaur) P.S. Case No. 796 of 2022
registered for the offence under Sections 302/34 of the
Indian Penal Code and under Section 27 of the Arms
Act.

3. The petitioner is not named in the F.I.R. and
is in custody since 05.01.2024.

4. The allegation against the petitioner is to
commit murder of son of informant alongwith other
unknown co-accused persons, while he went to collect
milk from different vendors.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case out of confessional statement of co-accused Rajeev Kumar, where in furtherance of no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of murder. It is submitted that as mobile tower location of petitioner was found near the place of occurrence as per Call Details Reports, he was implicated with present occurrence. While concluding the argument, it has been submitted that petitioner found involved in two criminal cases where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of mobile tower location



and confessional statement, nothing appears incriminating against this petitioner as to connect him, *prima facie*, with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.01.2024, accordingly, above named petitioner is directed to be released on bail in connection with Khagaria (Gangaur) P.S. Case No. 796 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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