

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39965 of 2024

Arising Out of PS. Case No.-1058 Year-2023 Thana- BARACHATTI District- Gaya

Pankaj Yadav @ Pankaj Kumar Yadav @ Pankaj Kumar S/O Ragho Yadav
@Rajo Yadav R/O Village bajinathpur, P.S. Mohanpur, Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 49536 of 2024

Arising Out of PS. Case No.-1058 Year-2023 Thana- BARACHATTI District- Gaya

Lalu Kumar Son of Mahesh Yadav R/O Vill.- Baijnathpur, P.s.- Mohanpur,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50713 of 2024

Arising Out of PS. Case No.-1058 Year-2023 Thana- BARACHATTI District- Gaya

Virendra Kumar Son of Pokhee Yadav R/o Vill.- Baijnathpur, P.s.- Mohanpur,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 69592 of 2024

Arising Out of PS. Case No.-1058 Year-2023 Thana- BARACHATTI District- Gaya

Ajeet Kumar S/o- Dharam Singh Resident of village - Masaundha, P S -
Barachatti (Mohanpur), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 39965 of 2024)
For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP
For the Informant : Mr. Vijay Kumar, Advocate
: Mr. Mahendra Thakur, Advocate
(In CRIMINAL MISCELLANEOUS No. 49536 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
For the Informant : Mr. Vijay Kumar, Advocate
: Mr. Mahendra Thakur, Advocate
(In CRIMINAL MISCELLANEOUS No. 50713 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP
For the Informant : Mr. Vijay Kumar, Advocate
: Mr. Mahendra Thakur, Advocate
(In CRIMINAL MISCELLANEOUS No. 69592 of 2024)
For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP
For the Informant : Mr. Vijay Kumar, Advocate
: Mr. Mahendra Thakur, Advocate

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

ORAL ORDER

3 23-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Barachatti (Mohanpur) P.S. Case No. 1058 of 2023 instituted for the offences under Sections 363, 365, 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Prosecution story, in short, is that, on the alleged date and time, the son of the informant left the house stating the informant that one Pankaj Yadav has called him. Next morning, the informant got the information that a murder happened in the



village and the bike of the informant's son was found in the jungle. Informant suspects that all the FIR named accused persons hatched a conspiracy to kill his son.

4. Learned counsel for the petitioner namely Pankaj Yadav in Cr. Misc. No. 39965 of 2024, submitted that the name of the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel further submitted that no material has cropped up during investigation and the same is evident from the case diary itself. Learned counsel further referring to paragraph no. 33 of the case diary submitted that one Lalu Kumar in his confessional statement has stated that he, i.e. Lalu Kumar and one Virendra Kumar gave knife blow to the informant's son due to which he died. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.12.2023 and has no criminal antecedent.

5. Learned counsel for the petitioner namely Lalu Kumar, in Cr. Misc. No. 49536 of 2024, submitted that petitioner is not named in the FIR. The name of the petitioner has transpired in this case during investigation only on the basis of confessional statement made before the police which has no evidentiary value in the eye of law. Learned counsel further submitted that from perusal of the F.I.R., it appears that one



Pankaj Yadav had called the informant's son at the alleged place of occurrence and this petitioner has no concern with Pankaj Yadav in any manner. Learned counsel further submitted that there is no independent witness to the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.12.2023 and has no criminal antecedent.

6. Learned counsel for the petitioner namely Virendra Kumar in Cr. Misc. No. 50713 of 2024, submitted that petitioner has falsely been implicated in the present case. Learned counsel further submitted that from perusal of the F.I.R. it appears that one Pankaj Yadav had called the informant on the alleged date and time, and this petitioner has no concern with Pankaj Yadav in any manner. Learned counsel further submitted that there is no independent witness to the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.12.2023 and has no criminal antecedent.

7. Learned counsel for the petitioner namely Ajeet Kumar in Cr. Misc. No. 69592 of 2024, submitted that petitioner has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel further submitted that from perusal of the F.I.R. it appears that one Pankaj Yadav had called the informant on the alleged date and time. Learned



counsel further submitted that the present case is the case of circumstantial. Learned counsel further submitted that there is no independent witness to the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.12.2023 and has no criminal antecedent.

8. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned APP for the State further referring to paragraph no. 33 submitted that petitioner namely, Lalu Kumar in Cr. Misc. No. 49536 of 2024 has specifically narrated the manner in which the all the accused persons including the petitioners hatched the conspiracy to commit the murder of the deceased. Learned APP further contended that the post-mortem report also corroborates the statement of the Lalu Kumar. Learned APP for the State and learned counsel for the informant jointly submitted that since there is direct evidence against petitioners namely Lalu Kumar and Virendra Kumar and also submitted that the involvement of petitioners Ajeet Kumar and Pankaj Yadav cannot be denied in the alleged occurrence and therefore, the petitioners do not deserve to be released on bail.

9. Considering the facts and circumstances of the case



and the involvement of the petitioners in the murder of the informant's son as evident from case diary which is further supported by the post-mortem report of the deceased, this Court is not inclined to grant bail to the petitioners.

10. Prayer for grant of bail to the petitioners is, hereby, rejected.

11. Learned trial Court is directed to expedite the trial.

12. However, if the trial is not concluded within a period of one year from today, liberty is granted to the petitioners to renew the prayer for bail before the trial Court itself. If any such application/s is filed, learned trial Court shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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