

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54595 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MANIHARI District- Katihar

Vishal Kumar Yadav @ Vishal Yadav, Son of Sahbali Yadav @ Sahabali
Yadav, Resident of Village- Mirjapur Baghar, P.S. - Manihari, District -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the State : Mr. Narendra Kumar Singh, APP
For the Informant : Md. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-09-2024 Heard Mr. Bimal Kumar, learned Advocate for the

petitioner and learned APP for the State. The informant appears

suo motu through Md. Musowir, learned Advocate.

2. The petitioner seeks regular bail, who is in custody
in connection with Manihari P.S. Case No. 80 of 2024 registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution
alleges that in the night of 30.03.2024, at about 9:00 PM, while
the son of the informant after taking meal sleeping in his cow-
shed, in the meanwhile, the informant heard the sound of firing,
whereupon he rushed there, but did not find his son. The
informant has given information to the police, who came and



made all the efforts to search the son of the informant, but did not find any success. Later on, on 31.03.2024, at about 1:00 PM, the dead body of the son of the informant was found lying in the western side of his house.

4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against unknown criminals and no suspicion whatsoever has been raised against the petitioner. However, during the course of investigation only on account of the fact that on the fateful day the petitioner was in touch with the deceased through his mobile, his name has been implicated in this case. Learned Advocate for the petitioner further contended that the petitioner is own cousin of the deceased, thus he was in talking term; and in fact after the incidence, it is the petitioner, who along with the informant went to the police station to lodge the F.I.R. There is no eye witness to the alleged occurrence nor any material has been collected during the course of investigation, suggesting the complicity of the petitioner in the crime. The police after apprehending the petitioner, recorded his confessional statement and save and except the confessional statement, there is no cogent material against the petitioner. Now the petitioner is incarcerated since 03.04.2024; investigation of the crime is complete and charge-



sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the material available on record suggests the complicity of the petitioner in the present crime, which cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on the circumstantial evidence and the self-confession of the petitioner; there is no eye witness to the occurrence, now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 80 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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