

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5433 of 2025

Arising Out of PS. Case No.-578 Year-2023 Thana- BELAGANJ District- Gaya

1. Chhotu Yadav S/O Tanik yadav R/O Village- Paluhad Jarhi, P.S- Tekari, District- Gaya.
2. Sanjit Kumar S/O Ravindra Yadav R/O Village- Jarhi, P.S- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13165 of 2025

Arising Out of PS. Case No.-578 Year-2023 Thana- BELAGANJ District- Gaya

Vikash Kumar @ Lale @ Lale Yadav @ Late Yadav Son of Nand Kishore
Yadav RO Village- Jarhipar PS- Tekari District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5433 of 2025)

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr. Satyendra Narain Singh

(In CRIMINAL MISCELLANEOUS No. 13165 of 2025)

For the Petitioner/s : Mr.Ashutosh Kumar Mishra

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 12-05-2025 Considering the fact that both the matters are arising

out of the same P.S. case and, as such, with the consent the

parties, both the applications are being heard together and

disposed of by this common order.

2. Heard Mr. Syed Asgher Najimi, learned Advocate



for the petitioners and Mr. Satyendra Narain Singh, learned Additional Public Prosecutor for the State.

3. The petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 578 of 2023, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that while the son of the informant namely, Rahul Kumar was engaged in grazing his buffalo, in the meantime, co-accused Ajay Kumar called him and has taken to Ahiyapur where two other accused persons namely, Golu Kumar and Gautam Kumar were present along with the Scorpio vehicle. It is further alleged that thereafter all the accused persons have taken the son of the informant through Scorpio and later on the dead body of the son of the informant found at Magadh Medical Hospital, Gaya after two days.

5. Learned Advocate for the petitioners taking this Court through the FIR primarily contended that the alleged occurrence took place on 21.08.2023 at about 4:00 pm but surprisingly the present FIR came to be lodged on 25.08.2023 without there being any plausible reason for delay. The petitioners before this Court are neither named in the FIR nor on



the date and time of occurrence, their presence was found near the place of occurrence. During the course of investigation, the confessional statement of Raju Yadav was recorded by the police, wherein he confessed that while he along with the petitioners and others were trying to rob a Hyva truck, in the meanwhile, on account of unfortunate incidence the deceased Rahul Kumar came under the wheels of the vehicle causing his unfortunate death. In order to let off their implication in this case, all of them threw the dead body of Rahul Kumar in the ditch. Based upon the confessional statement, which was recorded after a month, the name of the petitioners have been implicated; hence the present application. Learned Advocate further contended that even if the confessional statement, though it is not admissible under the eyes of law, is taken to be true for the sake of argument, no offence much less under Section 302 is made out and hardly it can be a case under Section 201 of the Indian Penal Code, which is bailable in nature. The petitioners are men of fair antecedent and, nothing is on the record which suggests the complicity of the petitioners in the crime; however, they undertake before this Court that they will fully cooperate in the investigation and the proceeding of the court.



6. On the other hand, learned Advocate for the State though vehemently opposes the bail application but fairly submits that save and except the confessional statement, as has been disclosed hereinabove, there is no material.

7. Regard being had to the submissions made on behalf of the parties and considering the afore noted submissions and the fact that except the confessional statement, there is no material suggesting the complicity of the petitioners in the crime, coupled with the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 578 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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