

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11085 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- Gokhulpur District- Nalanda

Dhananjay Yadav @ Dhannu Yadav, Son of Rajan Yadav @ Rajendra Yadav,
R/o Village- Pakariya Bigha, P.S.- Gokulpur, District- Nalanda..... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12948 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- Gokhulpur District- Nalanda

Sanjay Kumar @ Sanjay Yadav, S/o- Rajjan Yadav @ Ranjan Yadav, R/o
Village- Pakriya Bigha P.S.-Gokhulpur Dist- Nalanda. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11085 of 2025)

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 12948 of 2025)

For the Petitioner/s : Mr.Anil Kumar No. I, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 23-07-2025

Cr. Misc. No. 11085 of 2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gokulpur
P.S. Case No. 25 of 2024 registered for the offence under
Sections 103, 238, 61(2), 3(5) of Bharatiya Nyay Sanhita (BNS),
2023.

3. The accused/petitioner is not named in FIR and is in
custody since 06.11.2024.

4. Allegation against petitioner is to commit the murder
of parental aunty (*Bua*) of the informant alongwith named co-



accused persons by using sharp edged cut weapons.

5. Learned Counsel appearing on behalf of the petitioner submitted that the name of petitioner transpired during the course of investigation on the basis of confession of apprehended co-accused namely, Sanjay Kumar. It is pointed out that except suspicion arising out of confession, nothing incriminating surfaced during course of investigation, which may connect petitioner *prima facie* with present occurrence of murder. It is pointed out that even the identification of dead body appears doubtful as same was made on the basis of "*Petticot*". It is submitted that informant is not the *eye-witness* of the occurrence and it is a case of circumstantial evidence where none of the incriminating circumstances appears *prima facie* against petitioner. While concluding argument, it is pointed out that investigation of this case is already completed for which charge-sheet has been submitted and, as such, there is no chances of tempering of evidence. Petitioner is a man of clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Yogendra Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that the petitioner alongwith co-accused committed murder as to grab the property of deceased. However, he could not disputed the factual submission



as advanced aforesaid.

7. Considering the aforesaid facts and circumstances and by taking note of the fact as save and except suspicion arising out of confessional statement, nothing *prima facie* appears incriminating against petitioner to connect him with present occurrence of murder, coupled with the fact that charge-sheet has already been submitted, whereas petitioner is in custody since 06.11.2024 accordingly, petitioner above named, is directed to be released on bail in connection with Gokulpur P.S. Case No. 25 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Nalanda (Biharsharif)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

Cr. Misc. No. 12948 of 2025

1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gokhulpur P.S. Case No. 25 of 2024 registered for the offence under Sections 103, 238, 61(2), 3(5) of Bharatiya Nyay Sanhita.

3. The accused/petitioner is named in FIR and is in



custody since 22.08.2024.

4. Allegation against petitioner is to commit the murder of parental aunty (*Bua*) of the informant alongwith named co-accused persons by using sharp edged cut weapons.

5. Learned Counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion as the deceased was found last seen with petitioner being relative, he was implicated with present case for the simple reason to grab the property. It is submitted that the identification of dead body is also disputed as same was identified merely on the basis of "*Petticot*". While concluding argument, it is submitted that investigation of this case is already completed. It is submitted that petitioner found involved in one more criminal case, where he is on bail.

6. Learned APP duly assisted by learned counsel Mr. Yogendra Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that the petitioner while recording his self confession, confessed his involvement with crime in question but fairly conceded that same was made before police.

7. Considering the aforesaid facts and circumstances and by taking note of the fact as petitioner is not the eye-witness of the occurrence, where basis of implication *prima facie* appears



self confession recorded before the police, coupled with the fact that investigation is already completed, where petitioner is in custody since 22.08.2024 accordingly, petitioner above named, is directed to be released on bail in connection with Gokhulpur P.S. Case No. 25 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further condition that:-

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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