

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20787 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- KAKO District- Jehanabad

1. Madan Kumar S/O Binod Yadav Resident of Village- Bharthua, P.S- Kako, Distt.- Jehanabad.
2. Bhupendra Kumar S/O Ram Pravesh Yadav Resident of Village- Bharthua, P.S- Kako, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP
For the Informant	:	Mr. Arbind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 15-07-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Kako (Bhelawar) P.S. Case No. 290 of 2024 instituted for the offences under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution story, in short, is that, the accused persons including the petitioner deceitfully taken the son of the informant on the pretext of fixing electrical issue, and later on, they murdered him by shooting and dumping his body on the railway track.

4. Learned counsel for the petitioners submitted that



petitioners are innocent and have falsely been implicated in the present case only due to previous enmity. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. Learned counsel further submitted that, as a matter of fact, there was love affairs between the deceased(informant's son) and daughter of Vijay Prasad. Learned counsel further contended that as per paragraph no. 24 of the case diary, death of unknown person was caused due to train accident and for which UD case was registered and later on, the dead body was identified as the deceased, i.e. informant's son. He further contended that as per post-mortem report, the death of the deceased is caused due to bullet injury. Learned counsel further submitted that petitioners have no concern with the deceased and nor with the Vijay Prasad and their names are being dragged in this case merely on the basis of previous enmity. It has been submitted on behalf of the petitioners that the petitioners are in custody since 10.02.2025. Petitioner no. 1 has three criminal antecedent whereas petitioner no. 2 has two criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioners.



6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the petitioners in the entire case diary as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kako (Bhelawar) P.S. Case No. 290 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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