

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43449 of 2024

Arising Out of PS. Case No.-627 Year-2023 Thana- JHAJHA District- Jamui

Surendra Yadav Son of Bhuna Yadav Resident of Village - Jalgorwa, P.S. -
Gidhour, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

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

For the Informant : Mr. Akash Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 10-01-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 627 of 2023 instituted for the offences under
Sections 147, 149, 341, 323, 379, 365, 504, 506 of the Indian
Penal Code and later on added Sections 302 & 364(A) of the
Indian Penal Code.

3. The prosecution case, in short, is that on 20.12.2023
at about 7 P.M. in the evening when brother of the informant
namely Sintu Yadav was returning to his house at Govindpur,
suddenly 5-6 persons came from behind and stopped the
motorcycle of the informant's brother bearing registration No.
BR-46/9457 and forcibly abducted him along with his
motorcycle. It is alleged that on call, the phone was picked up



by the victim brother of the informant but, he was not able to speak. Therefore, the informant under an apprehension of any untoward incident has lodged this case against the accused persons as named in the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of confessional statement of another co-accused. Learned counsel for the petitioner further submits that there is delay of two days in registering the F.I.R. that too without there being any explanation for such delay. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that the doctor could not ascertain the cause of death of the deceased and the opinion was reserved till receipt of the F.S.L. report. The petitioner has no concern with the alleged occurrence. There is non-compliance of provision of Section 100 of the Cr.P.C.. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.01.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits



that the co-accused namely Pramod Yadav @ Pramod Kumar Yadav has already been granted bail by this Court vide order dated 21.10.2024 passed in Cr. Misc. No. 37809 of 2024.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, in course of scrutiny of the CDR details, it was found that the mobiles of the co-accused Pramod Yadav @ Sadhu Yadav @ Sonu and Pramod Kumar Yadav son of Bhuna Yadav were in constant touch with another mobile number being 8709833575 which belongs to the petitioner Surendra Yadav. Thereafter, the petitioner was arrested and, in course of investigation, the police recovered the dead body of the deceased/Sintu Yadav from the well. The petitioner in his confessional statement contained in Para 185 of the case diary has further informed the police that the motorcycle of the deceased was also disposed off in the same well from which the dead body of the deceased was recovered. Thereafter, on the basis of the aforesaid disclosures, the police recovered the motorcycle of the deceased from the same well. Several independent witnesses in Para 224, 225, 230 and 231 of the case diary have also supported the prosecution case. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail by this Court.



7. Having heard rival contention of both the parties, this Court finds that in Para-185 of the case diary, there is a confessional statement of the petitioner in which he has confessed his guilt of being involved in the alleged occurrence. On the basis of disclosures made by the petitioner, the police has recovered the motorcycle of the deceased from the same well from where the dead-body of the deceased was recovered. This Court also finds that soon before the occurrence, the petitioner was in touch through mobile with the co-accused Pramod Kumar Yadav who has also confessed his guilt in the confessional statement contained in Para-37 of the cease diary.

8. Accordingly, considering the nature and gravity of the offence as also taking into account the confessional statement of the petitioner which led to recovery of the motorcycle of the deceased from the well, this Court is not inclined to grant bail to the petitioner at this stage and the prayer for bail of the petitioner, above named, is rejected.

(Rudra Prakash Mishra, J)

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