

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55255 of 2024

Arising Out of PS. Case No.-29 Year-2022 Thana- BARHARA District- Bhojpur

Babali Singh, S/O Om Prakash Singh, R/O Village- Geyanpur, P.S- Barhara,
Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 02-04-2025 Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner and Mr. Madan Kumar, learned APP for the State.

2. The petitioner has prayed for bail in connection with Barhara (Sinha O.P.) P.S. Case No. 29 of 2022 registered for the offence punishable under Section 365 of the Indian Penal Code.

3. The case of the prosecution is that the informant has alleged that the petitioner and one Kariya Yadav took away her husband on motorcycle and thereafter he was traceless. It is further alleged that the husband of the informant never returned.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It has further been submitted that in this case, Kariya



Yadav has given his confessional statement and in his confessional statement, he has confessed his guilt and has stated that he along with petitioner killed the husband of the informant and the dead body was thrown in river. In this case, neither the husband of the informant has returned nor his dead body has been recovered as yet. But from perusal of the diary, it transpires that the police has filed charge sheet under Section 365 of the I.P.C. though, there is statement of the accused Kariya Yadav that the husband of the informant has been killed by him and others. From the report of the trial Court, also it transpires that the trial Court has taken cognizance under Section 365 of the I.P.C. The learned counsel for the petitioner has also submitted that Kariya Yadav has been granted bail by trial Court itself but he has failed to bring the order of the trial Court with respect of Kariya Yadav. As far as the case of this petitioner is concerned, there is nothing except the confessional statement of Kariya Yadav. Petitioner is languishing in judicial custody since 01.07.2024

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara in connection with Barhara (Sinha O.P.) P.S. Case No. 29 of 2022.

7. Before parting it is very surprising that despite the statement of Kariya Yadav that he along with petitioner has killed the husband of the informant how police has filed charge sheet under Section 365 of the I.P.C. and even more surprising is the fact that how trial Court has taken cognizance without applying mind on the materials in the diary.

(Ashok Kumar Pandey, J)

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