

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62811 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- BAHERI District- Darbhanga

Ram Kumar Yadav Son Of Brahamdev Yadav Resident Of Mohalla/ Village -
Kamalpuri Tole Navtolia, P.S. - Baheri, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 08-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 302 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the informant was going to haat from his village then he found that his brother Lal Kishore was going on bike with Ram Kumar and others. When the brother of the informant did not return till night, he was being searched and a dead body was found near bank of Kamla River and also found a bamboo which was blood-stained. The informant believes that the petitioner and others have killed his brother.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has submitted that in this case, from perusal of the postmortem report, it will transpire that the deceased has received three ante-mortem injuries which is as under.

(i) One lacerated wound measuring 2 ½" x ½" x 1/8" with irregular margins was seen over right side of parietal region of skull.

(ii) One abrasion measuring 1" x ½" covered with soft reddish blood clot, was seen over upper part of right cheek.

(iii) One bruise measuring 6" x 4" was seen over front of right side chest.

5. Learned counsel for the petitioner further submitted that the injuries were caused by the accident. It has also been submitted that from perusal of his supplementary affidavit it will also transpire that the petitioner was treated and he has also received multiple injuries. It is further submitted that petitioner and deceased were going on a bike and due to a road accident, both of them received injuries. The petitioner has been implicated in this case on the basis of last seen theory. He was seen with the deceased at 04:30 and dead body was recovered on next day. Apart from the confessional statement of the petitioner, there is nothing against him to implicate in this case.



A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 26.12.2023.

6. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that in this case, the petitioner has given his confessional statement and in his confessional statement, he has confessed his guilt.

7. 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 released on bail in connection with Baheri P.S. Case No. 419 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VII, Darbhanga.

(Ashok Kumar Pandey, J)

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