

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76531 of 2024

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

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Pramod Yadav @ Sadhu Yadav S/O Rajendra yadav Resident of village
-Alakhpura P.S- Gidhhaur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Pankaj Kumar Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 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) and
120(B) 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. He further submits that the date of occurrence is 20.12.2023 but, the present F.I.R. has been lodged on 22.12.2024 i.e. after lapse of two days that too without there being any plausible explanation for such delay. Learned counsel for the petitioner further points out that there was land dispute between the Informant's family and the F.I.R. named accused persons. The petitioner is not named in the F.I.R. and his name has transpired in this case during investigation on the basis of the CDR. He further submits that the petitioner has wrongly been implicated in the present case merely on the basis of suspicion because from the mobile number of the petitioner, some talks were made with the co-accused Pramod Kumar Yadav and Surendra Yadav and, except this, there is nothing against the petitioner. Learned



counsel for the petitioner further submits that in course of investigation, the co-accused Pramod Kumar Yadav and Surendra Yadav were arrested by the police and they, in their confessional statement, have confessed their guilt and have also taken the name of the petitioner of being involved in the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.05.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner under Sections 147/149/341/379/365/504/ 506 and subsequently added Sections 302/364(A) /120(B) of the Indian Penal Code.

5. Learned counsel for the petitioner further 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 soon before the occurrence, the deceased had received calls from mobile no. 7780054009 which belongs to the petitioner. Later on, the Investigating Officer further obtained the CDR and tower location of mobile number of the co-accused Pramod Kumar Yadav and found that the said mobile number was in constant touch with the mobile number of the petitioner Pramod Kumar Yadav bearing mobile no. 9905199967. It was also found that the aforesaid two mobile phones were in constant touch with the mobile of the co-accused Surendra Yadav who in his confessional statement has taken the name of the petitioner as their crime partner. The police arrested the co-accused Surendra Yadav and, in course of investigation, has also recovered the dead body of the victim/deceased. The police, on the basis of the disclosures made by the co-accused Surendra Yadav, has also recovered the motorcycle of the deceased from the well. 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 and considering the period of custody of the petitioner, the petitioner having no criminal antecedent, there being no direct or specific allegation against the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be



released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. Case No. 627 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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