

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88150 of 2024

Arising Out of PS. Case No.-253 Year-2024 Thana- BAIRIYA District- West Champaran

Chandan @ Chandan Kumar @ Chandan Mahato Son of Akhilesh Mahato @ Akhilesh Prasad Resident of Village- Khadda, P.S.- Nautan, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 90276 of 2024

Arising Out of PS. Case No.-253 Year-2024 Thana- BAIRIYA District- West Champaran

Umesh Yadav Son of Hari Shankar Yadav Resident of Village-Bargachiya, P.S.-Bairiya, Distt.- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 88150 of 2024)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 90276 of 2024)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 103 and 3(5) of the B.N.S.

3. The case of the prosecution is that one Chandan



Mahto called the son of the informant on his mobile and thereafter all the accused persons including the petitioner herein came at his door on three bikes. Thereafter, the son of the informant accompanied aforesaid five accused persons and while going the son of the informant said that he would return within half an hour but his son did not return in the night and next day in the morning, the dead body of his son was found laying in the field. Hence, the present FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted the petitioner, Chandan Yadav (petitioner of Cr. Misc. No. 88150 of 2024) has no criminal antecedent and the only material come against him is that he had talked with the deceased prior to the occurrence. One co-accused, namely, Umesh Yadav has given confessional statement and in his confessional statement, there is no role of the petitioner, Chandan Yadav.

5. So far as Umesh Yadav (petitioner of Cr. Misc. No. 90276 of 2024) is concerned, against him, there is only confessional statement which has been made by him. No recovery is made on the basis of the said confessional statement. There is nothing against him except the said confessional



statement made by him. It is further submitted that co-accused, namely, Mukesh Yadav having similar nature of allegation has been extended the privilege of bail vide order dated 05.02.2025 passed in Cr. Misc. No. 1482 of 2025 by a co-ordinate Bench of this Court. Moreover, the petitioners are languishing in judicial custody since 13.09.2024 and 23.09.2024 respectively.

6. Learned APP appearing for the state has opposed the prayer of regular bail.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Bairiya P.S. Case No. 253 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-III, Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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