

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9331 of 2020

Arising Out of PS. Case No.-232 Year-2018 Thana- KAUWAKOL District- Nawada

DHARMENDRA YADAV Son of Sri Ramashish Yadav Resident of Village-
Benipur, P.S.- Kawakol(Rupo), Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Singh

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since

16.09.2019 in a case registered for the offences

punishable under Sections 147/148/149/307 of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of

Bhramdeo Yadav recorded by S.I. Anil Kumar on

15.10.2018 at 09.00 P.M. at Sadar Hospital, Nawada, in

Emergency Ward, is to the effect that on the same day,



the informant, his son Upendra Yadav, his cousin brother Dalpati Yadav and other family members were sitting near his door, in the meantime, all the FIR named accused persons including the petitioner, came variously armed and they started abusing. It is alleged that co-accused Rabindra Yadav and Ramashish Yadav fired from their rifles at the son of the informant Upendra Yadav, as a result, he fell down after receiving injuries. It is alleged that petitioner and his son-in-law, Chando Yadav fired from rifle at the cousin brother of the informant Dalpati Yadav, causing bleeding injury and co-accused Umesh Yadav, Shaukhi Yadav, Kamlesh Yadav and Rabindra Yadav resorted to indiscriminate firing in the air and when the villagers came on the spot, they escaped from the scene.

It is submitted by learned counsel for the petitioner that accusation against the petitioner and his son-in-law's is to have fired on the cousin brother of the informant Dalpati Yadav but the injury report of Dalpati



Yadav suggests only one injury. Moreover, co-accused Ramashish Yadav and Saukhi Yadav have been granted bail by Co-ordinate benches of this Court vide order dated 11.07.2019 passed in Cr. Misc. No. 26912 of 2019 and Cr. Misc. No. 80466 of 2019 respectively.

Though, the petitioner is accused in six other cases but he is on bail in all those cases.

Learned council for the state submit that there is specific accusation against petitioner and petitioner has criminal antecedent.

Considering the fact that two persons are alleged to have fired on Dalpati Yadav but only one lacerated injury has been found and the investigation being concluded and there is no likelihood of the trial been concluded in near future due to the pandemic as physical court proceeding is not functional, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned



Additional Chief Judicial Magistrate, IV, Nawada in connection with Kawakol (Rupoa) P.S. Case No. 232 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, IV, Nawada in connection with Kawakol (Rupoa) P.S. Case No. 232 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to



further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Shageer/saif

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