

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7749 of 2020

Arising Out of PS. Case No.-452 Year-2018 Thana- CHANPATIA District- West Champaran

BHIM YADAV Son of Bhageshwar Yadav Resident of Village- Parsa, Dhagad
Toli, P.S.- Lauriya, Distt- West Champran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-09-2020 The present case has been listed under the heading ‘To be mentioned’ in order to correct the case number and the memo of parties.

It appears that on account of inadvertence, the case number had been feeded as ‘Criminal Misc. No. 7748 of 2020’ instead of ‘Criminal Misc. No. 7749 of 2020’ leading to depiction of wrong name and details of the petitioner herein in the order of this Court dated 08.09.2020, though the contents of the order dated 08.09.2020 have been correctly typed and uploaded.

In such view of the matter, the order dated 08.09.2020 is recalled and the contents of the said order dated 08.09.2020 are being again reproduced herein below:-

“The present petition has been taken up for consideration



through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Narsingh Tanti, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 452 of 2018 for the offence registered under Sections 302, 201, 404 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having snatched the tractor of the son of the informant and killed him whereafter they had thrown his dead body in the canal.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and he has been falsely implicated in the present case. It is further submitted that the name of the petitioner has been roped in the present case merely on suspicion and there is no material to show the complicity of the petitioner in the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, this Court is of the view that benefit of doubt can be granted to the petitioner as far as consideration of the present bail petition is concerned, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender



before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 452 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.”

The case number and memo of parties and the contents of the order no. 3 dated 08.09.2020 are directed to be read as reproduced herein above in the present order.

The time period granted to the petitioner to surrender before the learned court below is extended by a period of four weeks from today.

(Mohit Kumar Shah, J)

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