

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2979 of 2020

Arising Out of PS. Case No.-576 Year-2018 Thana- BARACHATTI District- Gaya

Kamaldeo Yadav Son of Arjun Yadav Resident of Village - Garbaiya, P.S.-
Barachatti, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-06-2020 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

22.06.2019 in a case registered for the offences

punishable under Sections 341, 384, 387/34 of the

Indian Penal Code.

The prosecution case as per the written report

of Sujan Paswan submitted to the S.H.O, Barachatti

Police Station is to the effect that on 29.08.2018 at

8:00 P.M, while the informant was on duty near an



under-constructed river bridge on Dhamna River, in the meantime, three unknown persons came on an Apache Motorcycle, without having its registration number and handed over a letter and they asked the informant to give his mobile phone and when the informant denied to have any mobile phone, they assaulted the informant and other labourers and threatened that without their permission, there should not be any construction work on the bridge.

The name of the petitioner sprang up on the basis of confession of the co-accused Binod Yadav.

It is submitted by learned counsel for the petitioner that name of the petitioner sprang up on the confession of co-accused Binod Yadav, who has been granted bail by learned Court below and even assuming the accusation to be true, no case under Sections 384, 387 I.P.C is made out against the petitioner. The investigation has already been concluded.

Learned A.P.P. submits that name of the



petitioner sprang up on confession of co-accused but he does not deny the fact that the co-accused Bindo Yadav has been granted bail.

Considering the fact that co-accused Binod Yadav on whose confession, the name of the petitioner sprang up, has been granted bail and the investigation being already concluded, 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, Sherghati, Gaya in connection with Barachatti P.S. Case No. 576 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 learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 576 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)

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