

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8503 of 2020

Arising Out of PS Case No.-234 Year-2019 Thana- SAUR BAZAR District- Saharsa

Pankaj Yadav, aged about 40 years, Male, Son of Late Baidyanath Yadav,
Resident of Village - Ghoghan Patti, P.S.- Sour Bazar (Patarghat O.P.),
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Mukul, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vijay Kumar Mukul, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Saur Bazar (Patarghat OP) PS Case No. 234 of 2019 dated 10.06.2019 instituted under Sections 302 and 120B/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner and others is of killing the father of the informant.



5. Learned counsel for the petitioner submitted that in the FIR, though the name of the petitioner has been taken but not as an accused. It was submitted that later on the basis of confessional statement, he has been made an accused, that too, only on suspicion. It was submitted that the informant has stated that the wife of the petitioner was not on good terms with the petitioner and because the petitioner had transferred his lands in favour of the wife of his younger brother, she was fighting case in which the deceased was helping the petitioner's wife due to which the accused have killed him. Learned counsel submitted that nothing has been recovered from him and even in the confessional statement, he is only said to be keeping a watch while others were killing the deceased. Learned counsel submitted that out of seven chargesheeted accused, including the petitioner, four have been granted bail namely, Shankar Yadav in Cr. Misc. No. 7488 of 2020 by order dated 29.05.2020; Praveen Yadav in Cr. Misc. No. 5474 of 2020 by order dated 28.05.2020; Mohan Yadav in Cr. Misc. No. 3942 of 2020 by order dated 22.01.2020 and Raj Kishor Yadav in Cr. Misc. No. 2846 of 2020 by order dated 22.02.2020. It was submitted that the petitioner having no criminal antecedent is in custody since 23.07.2019. Learned counsel submitted that it is Shankar Yadav, co-accused, who is said to have shot at the



deceased resulting in his death, and has been granted bail, whereas, against the petitioner, there is no allegation of any overt act or active participation in committing the murder.

6. Learned APP, from the case diary, submitted that the petitioner's wife was being helped by the deceased because she did not have good relationship with the petitioner and his family members and the petitioner has a direct motive for committing the murder.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Sour Bazar (Patarghat OP) PS Case No. 234 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the



Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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