

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8287 of 2020

Arising Out of PS. Case No.-17 Year-2018 Thana- SHERGHATI District- Gaya

ANIL YADAV Son of Aditya Yadav Resident of Village - Postiya, P.S. -
Bashistha Nagar Jori, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kripanand Kumar Prabhakar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 22.10.2019, has preferred the present application for grant of bail in a case registered for the offence punishable under Section 364 of the IPC.

The prosecution case, as per the written report of Pratima Devi, submitted to the S.H.O., Sherghati is to the effect that on 09.01.2018, the husband of the informant, Vinod Prasad went to Mahavir Dharmkata by motorcycle, but he did not return. Consequently, his slippers and motorcycle was found parked near the said Dharmkata, leading to registration of FIR



against unknown. During investigation, the name of the petitioner sprang up on the confession of co-accused Sandip Kumar Yadav and Ramashish Yadav. Subsequently, the petitioner also made his confession before the police.

It is submitted by learned counsel for the petitioner that co-accused Sandeep Kumar Yadav, on whose confession, the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, vide order dated 25.09.2018, passed in Cr. Misc. No. 41101 of 2018. It is further submitted that the petitioner has never been put on T.I. Parade. The victim returned next day of the alleged occurrence and in his statement, recorded under Section 164 Cr. P.C., he has not named the petitioner. Moreover, the investigation has already been concluded and the petitioner is languishing in custody since 22.10.2019. A statement has been made in paragraph no.3 of the petition that the petitioners is accused in six other cases, in which, he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons and the petitioner is having serious criminal antecedent.

Considering the fact that investigation has already been concluded, period under custody, the petitioner has not



been put on T.I. Parade and the co-accused person, on whose confession, name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, 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 the learned ACJM, Sherghati, Gaya in connection with Sherghati P.S. Case No. 17 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.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned ACJM, Sherghati, Gaya in connection with Sherghati P.S. Case No. 17 of 2018.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in



physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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