

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9012 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- TANKUPPA District- Gaya

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AMIT KUMAR @ AMIT YADAV Son of Late Kishori Yadav Resident of
Village - Gewal Bihga, P.S.- Rampur, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Abha Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 Heard.

The matter has been taken up through virtual
Court proceeding.

The petitioner is languishing in jail since 4.10.2019 in a
case registered for the offences punishable under Sections
302 and 201/34 of the IPC.

The prosecution case, as per the written report of
Tarkeshwar Singh submitted to the SHO, Tankuppa Police
Station, is to the effect that on 21.8.2019, the son of the
informant namely Akash Kumar alias Bitthal Singh and
Rahul Yadav were being taken by five accused persons,
namely, Tirel Yadav alias Sujit Yadav, Babu Dhobi, Amit
Kumar (petitioner), Buta and Rakesh Yadav to attend a
party. Subsequently, the informant tried to locate his son by
making calls on his mobile phone, but no one responded
the calls. Next day, the dead body of the son of the



informant and Rahul Yadav were recovered, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that it is actually a case of last seen and as per the FIR, the informant is not eye witness to the last seen of the victims in the company of the petitioner. Only on suspicion, the accusation has been levelled. It is further submitted that similarly situated FIR named co-accused Babu Dhobi has been granted bail vide order dated 4.2.2020 passed in Cr. Misc. No. 2549 of 2020 whereas co-accused Tirel Yadav alias Sujit Yadav has been granted bail vide order dated 20.2.2020 passed in Cr. Misc. No. 8209 of 2020 by different Co-ordinate benches of this Court. The petitioner is accused in one other case in which, he is on bail.

Learned APP submits that the petitioner is named in the FIR and he was last seen in the company of the victims and next day the dead body of both the victims were recovered.

Considering the fact that that the accusation is based on circumstantial nature of evidence, investigation has already been concluded and two similarly situated co-accused persons have been granted bail by Co-ordinate



benches of this Court, coupled with the period in custody, 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 Additional Sessions Judge XII, Gaya in connection with Tankuppa P.S. Case No. 87 of 2019.

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 of the like amount each to the satisfaction of the learned Additional Sessions Judge XII, Gaya in connection with Tankuppa P.S. Case No. 87 of 2019 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 lock



down is not over in three months.

(Dinesh Kumar Singh, J)

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