

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9532 of 2020**

Navin Kumar (Male) Aged about 30 years son of Mangal Yadav, resident
of village Nizamat, PS Dhanarua, District Patna.

... .. Peti-
tioner/s

Versus

The State of Bihar

... .. Opposite
Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv

For the Opposite Party/s : Dr. Indihar Kumari, APP

**The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.**

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

4 15-07-2020

Heard learned counsel for the petitioner and learned
counsel for the State.



Petitioner seeks regular bail in **Sessions Trial Number 389 of 2018/CIS No. 212 of 2018 arising out of Karai Parsurai PS Case No. 66 of 2016** registered for the offence punishable under sections 147, 148, 149, and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the bail of the petitioner was rejected vide order dated 04.10.2018 passed in Criminal Miscellaneous No. 44559 of 2018.

Informant who is nephew of deceased has stated in his fardbeyan that on 18.09.2016 at about 8:45 am when his deceased uncle proceeded towards Patna carrying Milk and he was also following him on Tempo carrying Milk, he saw 7 FIR named accused including petitioner surrounded his uncle and there is allegation of firing against Sunder Yadav, Rohan Yadav, Sanjay Yadav and Upendra Yadav and allegation against Santosh Kumar, Navin Kumar and Mangal Yadav is of stabbing his uncle and thereafter they fled away. Earlier also they had killed his father in the year 2012 and they are gotias and there is land dispute with them.

It is submitted on behalf of petitioner that he has been falsely implicated in this case due to animosity and land dispute. Similarly placed co-accused against whom also there is allegation of



stabbing deceased was granted anticipatory bail by a co-ordinate bench of this Court in Criminal Miscellaneous No. 20667 of 2017 dated 09.08.2017 on the ground that on the date of occurrence he was in jail which raises serious doubt about the correctness of FIR and Informant being an eye witness. Post mortem report also does not support time of death as stated by Informant. Petitioner has got one criminal antecedent as stated in para 3 of the petition and is in custody since 15.02.2018.

Learned counsel for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Sessions Trial Number 389 of 2018/CIS No. 212 of 2018 arising out of Karai Parsurai PS Case No. 66 of 2016** to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason, the trial court shall have liberty to cancel his bail bonds.



(2) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(3) If the petitioner is found involved in similar nature of offence, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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