

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11347 of 2020**

Arising Out of PS. Case No.-414 Year-2019 Thana- SAUR BAZAR District- Saharsa

DEVANAND YADAV Son of Sri Satya Narayan Prasad Yadav Resident of
Village - Rauta, Hamlet Bansi, P.S.- Sour Bazar, Dist.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State

The petitioner in the present case is seeking regular

bail in connection with Saur Bazar (Bajjnathpur O.P.) P.S. Case
No. 414 of 2019 registered for the offences punishable under
Sections 302, 120B/34 of the Indian Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the

name of the petitioner has transpired in the confessional
statement of the co-accused, however, there is no independent
material to connect the petitioner in the present case and he has



been made accused solely on the basis of suspicion.

Learned counsel submits that although it is alleged that this petitioner had gone to the house of the deceased about four years back for demanding return of the Tilak money which was given to the deceased by the bride's father and in that course the deceased had confined the petitioner in his house and had assaulted him and for that reason the petitioner has allegedly been instrumental in the murder of the deceased but at the same time in course of investigation it has come through various witnesses that the deceased had taken money from several persons on the pretext of getting them job and persons from whom the deceased had taken money were demanding the money.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner on the ground that this petitioner had got criminal antecedent and in paragraph '3' he has given details of the cases in which the petitioner is an accused and he is on bail in all those cases, the learned APP has admitted in course of hearing after going through the case diary that several witnesses have stated that the deceased had taken money from several persons on the pretext of getting them a job and he was facing demand for return of that money.



Considering the facts and circumstances of the case wherein there are materials on record to suggest that the deceased had taken money from several persons on the pretext of getting them job and those persons were looking for return of money from the deceased and for that reason it is the contention of learned counsel for the petitioner that the involvement of the petitioner based on mere suspicion because of the occurrence which has taken place four years back no material having been found save and except the confessional statement of co-accused and further that the petitioner has remained in custody since 26.12.2019, investigation against him is complete and in the cases mentioned in paragraph '3' of this application he is said to be on bail, there being no argument on behalf of the State that the release of the petitioner at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Saur Bazar (Baijnathpur O.P.) P.S. Case No. 414 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

avin/-arvind

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

