

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12639 of 2020

Arising Out of PS. Case No.-168 Year-2013 Thana- SONO District- Jamui

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DAGRU @ PRAMOD BURNWAL @ DAGRU BURNWAL Son of Late
Ayodhya Burnwal Resident of Village - Bahirbatari, P.S.- Sono/Charkapathar,
Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

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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 6.1.2017 in a
case registered for the offences punishable under Sections
302/34 and 121A of the IPC, Section 27 of the Arms Act
and Sections 16,17,18,19,20,21 and 22 of the Unlawful
Activities (Prevention) Act.

The prosecution case, as per the the Fardbeyan of
Pawrit Yadav recorded by Vijay Yadav, SHO, Charkapathar
Police Station on 18.11.2013 at 10.00 P.M. is to the effect
that on the same day at 8.00 P.M., the informant and his son
were cooking mutton and on hearing some noise, they
came outside the house and saw 20-25 people in police
uniform, who had surrounded the son of the informant,
namely Binod Yadav. They were assaulting the informant's



son for not coming to forest on being asked and thereafter, they pushed him down. Thereafter, the miscreants shot the informant's son dead. The FIR was registered against 18 named and 30-40 unknown.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the petitioner and the petitioner has falsely been named in the case by the police. The petitioner is accused in ten other cases, but in all those cases he is on bail. Statement to that effect has been made in paragraph 3 of the petition. It is further submitted that still the case has not been committed to the Court of Sessions. Hence, there is no chance of the trial being concluded in near future. It is further submitted that co-accused Ravi Yadav has been granted bail vide order dated 9.11.2015 passed in Cr. Misc. No. 42813 of 2015, co-accused Janki Ydav has been granted bail vide order dated 10.5.2016 passed in Cr. Misc. No. 49221 of 2015 and co-accused Raju Yadav has been granted bail vide order dated 3.8.2017 passed in Cr. Misc. No. 34800 of 2017 by different Co-ordinate benches of this Court.

Learned APP , however, submits that the petitioner is named in the FIR and he has serious criminal antecedent.



Considering the fact that there is general and omnibus accusation against 25 persons including the petitioner, similarly situated co-accused have been granted bail and from the materials on record, it appears that the trial has still not commenced but keeping in view of the serious criminal antecedent of the petitioner, let the petitioner above named be released on bail provisionally for six months, for the present, on furnishing two sureties one of which shall be family member of the petitioner, to the satisfaction of the learned CJM, Jamui in connection with Sono/Charkapathar P.S. Case No. 168 of 2013.

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 sureties, on photo copy of their Aadhar Card to the effect that they are ready to become the bailors of the petitioner which may be transmitted by such sureties to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below if he appears regularly and does not involved in any case, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of



the like amount each to the satisfaction of the learned CJM,
Jamui in connection with Sono/Charkapathar P.S. Case No.
168 of 2013.

(Dinesh Kumar Singh, J)

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