

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17747 of 2020**

Arising Out of PS. Case No.-115 Year-2019 Thana- BELDOUR District- Khagaria

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SUBHASH YADAV S/O Mohan Yadav @ Mohan Das Resident of Village -
Dumri, P.S. Beldaur, District - Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-08-2020 Heard learned counsel for the petitioner and Mr. Md.
Matloob Rab, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Beldour P.S. Case No. 115 of 2019, G.R. No.
1585/2019 registered for the offence under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case and on mere
suspicion his name has been brought without there being any
material collected in course of investigation. It is submitted that
the informant had specifically alleged that on getting a
telephone call from co-accused Jubeda Khatoon who is mother
of the girl the deceased had gone to collect money. It is further



submitted that said Jubeda has already been granted regular bail by a learned coordinate Bench of this Court in Cr. Misc. No. 3116/2020. In course of investigation it has also come that Jubeda Khatoon has relationship with the co-accused Buddin who had seven criminal antecedents. Lastly it is further submitted that there is no identification of the petitioner in connection with this case, he is in custody since 29.12.2019 and if released on bail he is ready to abide by the terms and conditions which may be imposed by this Court.

Learned counsel for the petitioner has submitted that the petitioner has either been acquitted in the cases mentioned in paragraph '3' or is on bail. As regards Beldour P.S. Case No. 73/2005 dated 23.09.2005, on query made by this Court, learned counsel for the petitioner has stated that he has instruction to say that petitioner is on bail in the said case as well.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case and the materials available in the case diary wherein it appears that name of the petitioner has been brought by way of suspicion, however there is no identification of the petitioner in connection with this case and the co-accused Jubeda Khatoon has already been granted regular bail by



learned coordinate Bench of this Court, investigation against him is complete, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Beldaur P.S. Case No. 115/2019, 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.

Further condition that the petitioner shall present himself in course of trial on each and every date fixed in the matter and his failure to appear on two consecutive dates would invite action for cancellation of bail bond.



Before issuing the release order the learned court below shall also get itself satisfied that the petitioner is on bail in all the cases mentioned in paragraph '3' of the application. It is only on such satisfaction the release order shall be issued.

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 disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

