

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20218 of 2020**

Arising Out of PS. Case No.-359 Year-2018 Thana- SABAUR District- Bhagalpur

Masudan Yadav @ Madhusudan Yadav Son of Yogi Yadav Resident of Village
- Ali Nagar, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner is languishing in custody since 16.07.2019 in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 325 and 307 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added vide order dated 29.12.2018, hence, the prayer for



bail has been made through the present application.

The prosecution case, as per the fardbeyan of Bambam Mandal recorded by S.I., Ajay Sharma, Barari P.S. on 22.12.2018 at 4.00 P.M. at J.L.N.M.C.H., Bhagalpur, is to the effect that on the same day at 2.00 A.M., the informant came out to urinate, in the meantime, in the background of land dispute, five accused persons including the petitioner came and co-accused Ranjit Yadav dragged the informant to his house and all the accused persons assaulted him with lathi-danda and fled away. Subsequently, during treatment, the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation of dragging is against co-accused Ranjit Yadav and accusation of assault is omnibus and general against all the accused persons including the petitioner. It is further submitted that co-accused Ram Yadav has been granted bail by Co-ordinate bench of this Court vide order dated 11.09.2019 passed in Cr. Misc. No. 35385 of 2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the



accusation of assault has been levelled against all the accused persons including the petitioner.

Considering the fact that the accusation of assault is omnibus and general, specific accusation of dragging the informant is against co-accused Ranjit Yadav, similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, investigation has already been concluded and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 District & Sessions Judge-IX, Bhagalpur in connection with Sessions Trial No. 25 of 2020, arising out of Sabour P.S. Case No. 359 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IX, Bhagalpur in connection with Sessions Trial No. 25 of 2020, arising out of Sabour P.S. Case No. 359 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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