

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20759 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- GOH District- Aurangabad

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1. Ajit Yadav @ Ajit Kumar S/o Sukhdeo Yadav @ Mukhdeo Yadav Resident of Village- Tilan Bigha, Goh, P.S.- Goh, District- Aurangabad.
 2. Aman Yadav @ Aman Kumar S/o Kamata Yadav Resident of Village- Mayabigha, P.S.- Madanpore, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the office shall place the matter before the bench.

Heard learned counsel for the petitioners and



learned counsel for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Rahul Kumar, recorded by S.I. Chandra Bhushan on 02.09.2019 at 10:20 P.M. at emergency ward of A.N.M.C.H, Gaya is to the effect that on the same day at 1:30 P.M., the informant was going to market with motorcycle and when he was returning home, on the way, six accused persons on two motorcycles came and surrounded the informant. It is alleged that co-accused Madhav Yadav ordered to kill and thereafter he resorted to fire causing injuries on chest, abdomen, back and neck. Co-accused Jaimangal Yadav also fired and thereafter the accused persons escaped from the scene, leading to registration of the F.I.R. against Madhav Yadav, Jaimangal Yadav and four unknown. The name of



the petitioners sprang up during investigation.

It is submitted by learned counsel for the petitioners that specific accusation of firing is against Madhav Yadav and Jaimangal Yadav. The accusation of firing is not corroborated by medical opinion as recorded by the learned Court below in the impugned order. Even assuming the accusation, the accusation of firing is against two other accused persons and not against the petitioners and only on suspicion, the name of the petitioners sprang up during investigation. A statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. for the State submits that name of the petitioners sprang up during investigation but he has not controverted this fact that the accusation of firing is not corroborated by the medical opinion.

Considering the fact that in the F.I.R, there is specific accusation of firing against two other co-accused persons namely, Madhav Yadav and Jaimangal Yadav,



moreover, the accusation of firing is not corroborated with the medical opinion, coupled with the fact that petitioners are not having any criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned S.D.J.M., Daudnagar in connection with Goh P.S. Case No. 161 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the



petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar in connection with Goh P.S. Case No. 161 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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