

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17821 of 2020**

Arising Out of PS. Case No.-274 Year-2018 Thana- MADANPUR District- Aurangabad

DEVI YADAV Son of Late Vishundev Yadav Resident of Village -
Chhechhani, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Advocate

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

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

2 04-06-2020 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 Madanpur P.S. Case No. 274 of 2018
registered for the offences punishable under Sections 364, 302,
34 of the Indian Penal Code and Section 27 of Arms act and
Section 17 of C.L.A. Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in the
present case. Learned counsel further submits that there are



general and omnibus allegations against the petitioner and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there are general and omnibus allegations against the petitioner of being present and accompanying other naxal persons at the place where the husband of the informant had been brought from home but there is no specific allegation that this petitioner had participated in bringing the husband of the petitioner from his home or that had committed any overt act and further uncontroverted submission of the petitioner that similarly situated co-accused have been granted regular bail by learned Coordinate Bench of this Court in Cri. Misc. Case No. 26677 of 2019, Cri. Misc. Case No. 33055 of 2019 and Cri. Misc. Case No. 17002 of 2019 and further submission that the petitioner has no criminal antecedent and there was no reporting of the alleged occurrence of the year 2016 with regard to which the name of the petitioner has been brought at this stage as also there being no submission on behalf of the State that release of the petitioner who is in custody for over six months is in any



way likely to adversely affect the trial of the case, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, Bihar in connection with Madanpur P.S. Case No. 274 of 2018, 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 disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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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'.

