

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20390 of 2020

Arising Out of PS. Case No.-72 Year-2018 Thana- BITHAN BAZAR District- Samastipur

PAPPU YADAV Son of Sri Kameshwar Yadav Resident of Village -
Chhechani, P.S.- Bithan, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual court proceeding.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 01.06.2019, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 307, 341 and 342/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Rajesh Kumar Yadav, Submitted to the S.H.O., Bithan Bazar Police Station is to the effect that on 13.08.2018 at 8 A.M., the informant was coming from village Chhechhni to his home when on the way, the petitioner Papu Yadav and two other co-accused persons resorted to fire, though, the informant did not receive any injury. The motive for occurrence was alleged that the gang of the petitioner killed the relative of the informant two years prior to the alleged occurrence, in which the informant was a witness and hence, the accused persons wanted to eliminate the informant.

It is submitted by learned counsel for the petitioner that a frivolous case has been lodged as from the very narrative of the informant, it appears that three accused persons including the petitioner resorted to fire, but the informant did not receive any injury and due to old enmity, the accusation has been levelled against the petitioner. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in three other



cases.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the accusation of firing is against three accused persons including the petitioner, but the informant did not receive any injury, investigation has already been concluded and the period under custody, 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 ADJ-I, Rosera, Samastipur in connection with Bithan P.S. Case No. 72 of 2018, Sessions Trial No. 465 of 2019.

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 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 learned ADJ-I,
Rosera, Samastipur in connection with Bithan P.S. Case No. 72
of 2018, Sessions Trial No. 465 of 2019.

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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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