

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20606 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- PHULPARAS District- Madhubani

OM PRAKASH YADAV @ OM YADAV @ UMA YADAV Son of Suraj
Narayan Yadav @ Sury Narayan Yadav Resident of Village - Navtol, P.S.-
Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 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



19.06.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 382 and 511 of the IPC.

The prosecution case, as per the written report of Shyam Prasad Yadav, submitted to the S.H.O., Phulparas Police Station is to the effect that on 30.01.2019 at about 11.14 P.M., someone tried to break the lock of the bolero vehicle of the informant and when the informant's wife went to take water from the hand-pump, she noticed one person, whereupon she raised alarm, then the accused persons resorted to fire in order to terrorize the informant and miscreants took away the bolero vehicle of the informant. The informant identified one co-accused Raman Yadav. Earlier also, the tractor of the informant was stolen. Though, the petitioner was not named in the FIR, but his name sprang up on the confession of co-accused Raman Yadav.

It is submitted by learned counsel for the petitioner that the specific accusation is against co-accused, Raman Kumar, who is also having serious criminal antecedent and he has been granted bail by a Co-ordinate bench of this Court, vide order dated 27.11.2019 passed in Cr. Misc. No. 50725 of 2019. It is further submitted that no recovery has been made from the



conscious physical possession of the petitioner. The petitioner has not been put on T.I. Parade and the investigation has already been concluded. A statement has been made in paragraph no.3 that the petitioner is accused in 16 other cases, but in most of the cases, he is on bail.

It is submitted by learned counsel for the State that the name of the petitioner sprang up on the confession of co-accused person and the petitioner is having serious criminal antecedent.

Considering the fact that the FIR named co-accused person has been granted bail by a Co-ordinate bench of this Court, the investigation has already been concluded and 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 Judicial Magistrate-1st Class, Jhanjharpur, District Madhubani, in connection with Phulparas P.S. Case No. 35 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 Judicial Magistrate-1st Class, Jhanjharpur, District Madhubani, in connection with Phulparas P.S. Case No. 35 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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