

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20049 of 2020**

Arising Out of PS. Case No.-104 Year-2015 Thana- BARH District- Patna

Pokhan Yadav Son of Late Devnanadn Yadav Resident of Village - Soema,  
P.S.- Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Premchandra Yadav

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

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

2      26-06-2020              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 18.07.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 302, 201, 120B of the Indian Penal Code and Section 27 of the Arms Act, hence, the prayer



for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Raju Yadav recorded by A.S.I., K.D. Yadav on 21.03.2015 at 9.00 A.M., is to the effect that on 20.03.2015, the cousin brother of the informant, Anant @ Antu Yadav went to ease out in the agriculture field but he did not return. Thereafter, the informant, Dinesh and co-villager Mukesh Kumar and other co-villagers went to search then they heard of sound of gunshot firing and after some time they found eight accused persons running away from the place of occurrence including the petitioner, hence, the informant has suspicious that his cousin brother has been killed and his dead body has been concealed. On next day, on 21.03.2015 the dead body of the cousin brother of the informant was found in the agriculture field of Gaya Singh.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled. The accusation is omnibus and general and admittedly, neither the informant nor anyone could see the actual occurrence. It is further submitted that similarly situated co-accused Rabindra Yadav and others vide Cr.Misc. No. 26056 of 2015, Nandu Yadav vide Cr. Misc. No. 28615 of 2015, Putul Yadav vide Cr. Misc. No. 35395 of 2016 and Tun Yadav vide Cr.



Misc. No. 39552 of 2016 have been granted bail by different Co-ordinate benches of this Court. The petitioner is accused in four other cases and investigation has already been concluded.

Learned APP for the State submits that the petitioner is named in the FIR and on conclusion of the investigation, the petitioner has been charge sheeted.

Considering the accusation based on suspicion and investigation being concluded, 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 A.C.J.M. 1<sup>st</sup>, Barh, Patna in connection with Barh P.S. Case No. 104 of 2015.

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 A.C.J.M. 1<sup>st</sup>, Barh, Patna in connection with Barh P.S. Case No. 104 of 2015.

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.

However, considering the serious criminal antecedent of the petitioner and the fact that the petitioner is evaded his arrest for four years, the learned Court below will positively cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in some serious nature of offence or defaults for two consecutive occasions during trial.

Accordingly, the application stands disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

