

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18151 of 2020

Arising Out of PS. Case No.-137 Year-2019 Thana- BANGAWON District- Saharsa

CHANDRA YADAV @ CHANDRA KISHORE YADAV @ CHANDER
YADAV Son of Late Thithar Yadav Resident of Village - Balha, P.S.-
Bangaon, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Senior Counsel for the petitioner. Learned APP has made his submissions on behalf the State.

Petitioner seeks bail in Bangaon PS Case No. 137 of 2019 registered under Sections 307, 379, 147, 341, 323, 324, 504 of the IPC and Section 27 of the Arms Act.

The case of the prosecution is that the the informant's brother was attacked by Sonu Kumar, Ranjeet Kumar and Sunil Kumar. There is allegation of fire arm assault alleged against Sonu Kumar, while Ranjeet Kumar is alleged to



have assaulted with farsa and Sunil Kumar with Kulhari.

Even as per prosecution case only allegation against the petitioner as being father of Sonu Kumar is that he has extorted the other co-accused to assault the informant's brother.

Learned Senior Counsel appearing for the petitioner submits that the allegations are false and motivated. The petitioner being father has been implicated only by virtue of his relation with Sonu, with whom the deceased had some enmity since before. The FIR also does not disclose any assault against the petitioner. The petitioner is in custody now since 10.12.2019 (for more than six months). Other co-accused persons are already in custody.

Learned APP has opposed the prayer for bail. It has been submitted that the allegation of instigating the assault is against the petitioner.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM I Saharsa in Bangaon PS Case No. 137 of 2019 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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