

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20087 of 2020

Arising Out of PS. Case No.-103 Year-2003 Thana- SONO District- Jamui

RAM YADAV Son of Bodhan Yadav Resident of Village-Dudhaniya, P.S.-
Sono (Charkapatthar), District-Jamui. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Binod Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sono P.S. Case No. 103 of 2003 (Sessions Trial No. 674 of 2010) for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation is regarding the informant on the alleged date and time of occurrence having objected to the accused persons abusing him whereupon on the order of the co-accused person Darogi Yadav, the petitioner is stated to have fired on the informant but the gun shots did not hit the informant and thereafter the co-accused person, namely, Boran Yadav had



ordered Darogi Yadav to fire gun shots whereafter he had fired gun shots in the stomach of the deceased resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent and as far as he is concerned, he is alleged to have fired at the informant but the informant was not hit by the gun shots, as such, no injury, admittedly, has been attributed to the petitioner herein. It is further submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 26.08.2019. The learned counsel for the petitioner has further referred to paragraph no. 9 & 10 of the petition to submit that the other co-accused persons have already been acquitted by a judgment dated 27.03.2010 passed by the learned Court of F.T.C.-IV, Jamui in Sessions Trial No. 817 of 2004. Lastly, it is submitted that since the petitioner was outside the State of Bihar, working as a labourer and had not returned back to his home for a long time but had become traceless and he returned back only after 12 years, to his home, losing one hand in an accident and then he was arrested in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner as aforesaid, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Jamui in connection with Sono P.S. Case No. 103 of 2003.

It is further directed that the petitioner would appear before the learned court below on each and every date so fixed and in the event of failure in appearing before the learned court below even on one occasion, the present privilege of bail being extended to the petitioner herein, would stand revoked and the petitioner would be liable to be arrested forthwith and put behind the bars.

(Mohit Kumar Shah, J)

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