

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19292 of 2020**

Arising Out of PS. Case No.-163 Year-2019 Thana- BARH District- Patna

UDAY KUMAR @ UDAY YADAV S/o Sri Mahesh Yadav R/o village-
Hardayal Bigha, P.S.- Belchhi, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amit Anand, Advocate
		Mr. Kumar Manglam, Advocate
For the Opposite Party/s :		Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within two weeks from start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barh P.S. Case No. 163 of 2019 registered for the offences punishable under Sections 147, 148, 149, 307, 353, 120B and 323 of the Indian Penal Code, Sections 2591-b)A, 26, 27 and 35 of the Arms Act and Section 30(A), 38 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Learned counsel for the petitioner submits that save and except the confessional statement of the co-accused in which he has named this petitioner as one of the persons who had fled away



on seeing the Police party, there is no material at all to connect the petitioner in the present case. It is submitted that the Police has involved the petitioner in the present case only because of his criminal antecedent as recorded in paragraph '3' of the application. It is submitted that there is no witness of the present case that the petitioner has fled away, the petitioner has remained in custody for over four months by now and there is no chance of tampering with the evidence if the petitioner is released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case and the submission of learned counsel for the petitioner that it is only the confessional statement of the co-accused in which name of the petitioner has transpired and there is no independent material to support the allegation that the petitioner has fled away or accompanying the co-accused, let the petitioner above named be released on bail in Special Excise Case no. 3438 of 2019 arising out of Barh P.S. Case No. 163 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.D.J. IXth, Nawada, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

