

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19849 of 2020

Arising Out of PS. Case No.-308 Year-2018 Thana- GOGRI District- Khagaria

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B. P. YADAV @ B. P. KUMAR Son of Sikandar Yadav @ Syekil Yadav
Resident of Village- Bareta, P.S.- Gogari, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-07-2020 This matter has been taken up through Video Conferencing.

Let the defects be removed within two weeks after opening of the physical court.

Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 307/326/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the past prayer for bail was refused by this Court on 21.01.2020 in Cr. Misc. No.49436 of 2019 with liberty to the petitioner to renew the prayer for bail after framing of the charges.

It has been informed that charges have already been framed and one prosecution witness has already been examined.

Several FIR named accused persons including the



petitioner caused fire-arm injury to Murari Yadav. The FIR contains general and omnibus allegation of firing. Injured Murari Yadav stated that the petitioner had caused injury by fire-arm at the backside of his head. The doctor has found fire-arm injury on the occipital region. The petitioner is in custody since 08.05.2019.

Since there is no chance of early conclusion of the trial due to Covid-19 effect as well as for the purpose of consideration of prayer for bail it is unbelievable that the injured would have seen anyone causing fire-arm injury from backside.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sessions Case No.40 of 2020, arising out of Gogari P.S. Case No.308 of 2018 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.



(c) The petitioner shall not leave the country without permission of the trial Court.

If the petitioner would not be able in furnishing sureties due to lock-down, he shall be provisionally released on his personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

Trial court is expected to expedite the trial at least after restoration of normal Court functioning.

(Birendra Kumar, J)

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