

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22637 of 2020

Arising Out of PS. Case No.-87 Year-2018 Thana- MURLIGANJ District- Madhepura

1. Manish Yadav @ Manish Kumar Yadav Son of Gajendra Yadav Resident of Village-Rampur Terasi, Ward No. - 02, P.S.- Murliganj, District - Madhepura
2. Kumod Yadav Son of Upendra Yadav Resident of Village - Rampur Terasi, Ward No. - 02, P.S.- Murliganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Vishoka Nand

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-09-2020 The matter has been taken up through virtual Court proceeding.

Since the court proceeding is non-functional in physical mode due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within undertaken period, the office shall place the matter before the bench.



Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 19.02.2020 in a case registered for the offences punishable under Sections 452, 341, 323, 302/34 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Birendra Yadav, recorded by S.I. of Police, Doodhnath Singh on 15.03.2018 at 9:40 p.m is to the effect that on 10.03.2018 at 10:00 p.m, the informant was sitting along with his son-in-law, Haldhar Yadav and his brother Braj Kishore Yadav at his door, in the meantime, co-accused Upendra Yadav came and forbade the informant to take the dinn at Lalo Yadav's place. On protest being made by the wife of the informant Indu Devi, he started abusing her. In the meantime, co-accused Kumod Yadav came armed with garasa whereas co-accused Manish Yadav and Gajendra Yadav came armed with iron rod and started assaulting the son-in-law of the informant



and when the informant tried to save the victim, co-accused Ashok Yadav, Abhishek Yadav came armed with Dabia and started assaulting the son-in-law of the informant who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 10.03.2018, the F.I.R was registered on 15.03.2018. The accusation is not specific against the petitioners and investigation has already been concluded. Moreover, similarly situated co-accused persons have been granted bail by different co-ordinate benches of this Court. Statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. submits that petitioners have been named in the F.I.R.

Considering the fact that accusation is omnibus and general against the petitioners and other accused persons have been granted bail by different co-ordinate benches of this Court coupled with the fact that



petitioners are not having any criminal antecedent, let the petitioners, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 87 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S.



Case No. 87 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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