

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20856 of 2020

Arising Out of PS. Case No.-286 Year-2018 Thana- AMARPUR District- Banka

Babbu Yadav @ Dilip Yadav, Son of Fuleshwar Yadav, Resident of Village-
Bari Jankipur, Police Station-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Amarpur P.S. Case No.286 of 2018 instituted for the offence punishable under Section 302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that one Nilesh Yadav came to the house



of the informant and said that Manohar Pandit called her husband for some work. Thereafter, her husband went to meet him and her *Dewar* Badal also accompanied him. Later on, Badal informed her that his brother was shot dead by all the four named accused. The informant went at the place of occurrence and found dead body of her husband.

The petitioner's counsel submits that the petitioner is not named in the F.I.R. His name has surfaced on the basis of the confessional statement of co-accused Mithun Yadav, who has since been granted bail in Cr.Misc. No.47534 of 2019, vide order dated 24.10.2019. Other co-accused Nilesh Yadav has also been enlarged on bail in Cr.Misc. No.58773 of 2019, vide order dated 19.11.2019. The informant is not an eye-witness to the occurrence. It is further submitted that such confessional statement has got no evidentiary value. The petitioner is in custody since 18.02.2020 and has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

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

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No.286 of 2018, 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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