

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21393 of 2020**

Arising Out of PS. Case No.-380 Year-2018 Thana- KADAMKUAN District- Patna

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MAHADEO YADAV @ MAHADEV PRASAD YADAV @ MAHADEV PRASAD Son of Late Bulkan Yadav Resident of Mohalla - Bhawar Pokhar Bagicha, P.S.- Pirmahore, District - Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2020 Learned counsel for the petitioner undertakes to remove the defects, as pointed out by office, within four weeks after start of normal functioning of the Court.

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

Petitioner, in the present case, is seeking regular bail in connection with Kadamkuan P.S. Case No. 380 of 2018 registered under Section 384, 387, 448/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 19.02.2020 passed in Cri. Misc. No. 84358 of 2019. It is further submitted that charge in this case has already been framed and



there is no chance of early conclusion of the trial in near future.

The petitioner is in custody since 07.11.2019.

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

Having regard to the facts and circumstances of the case wherein it appears to this Court that earlier the prayer for bail of the petitioner was rejected vide order dated 19.02.2020 passed in Cri. Misc. No. 84358 of 2019 with an observation that the rejection is at the said stage and now the contention of the learned counsel for the petitioner is that the charge has already been framed against the petitioner in the present case, therefore, the stage has changed and further that during the present pandemic period the trial is not likely to be concluded in near further, petitioner has already remained in custody since 07.11.2019 and in the cases stated in paragraph '3' of this application he is on bail, let the petitioner above named be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XII, Patna in connection with Kadamkuan P.S. Case No. 380 of 2018 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 is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

