

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26280 of 2020

Arising Out of PS. Case No.-545 Year-2019 Thana- JAHANABAD District- Jehanabad

1. Uttam Yadav, Son of Ramashish Yadav, Resident of Village -Kodihara, Police Station - Masaurhi, District - Patna.
2. Pandit Jee, S/O Satyendra Yadav, Resident of Village - Sohe, Police Station - Karauna, District - Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Satish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 21-12-2020 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 Mr. Ramakant Sharma, learned Senior Counsel appearing for the petitioners and the learned APP for the State as well as the learned counsel for the informant.

The petitioners seek bail in connection with Jehanabad (Karauna) P.S. Case No.545 of 2019 registered for



the offence punishable under Sections 364 and 302/34 of the Indian Penal Code.

The F.I.R. alleges that the informant's brother was called by the petitioners along with other co-accused persons on the pretext of searching the stolen motorcycle. Next day, the dead body of the victim was recovered.

Mr. Ramakant Sharma, learned Senior Counsel appearing for the petitioners submits that even from the prosecution case, it is evident that the victim had accompanied the petitioners on his own volition. The same suggests that the victim was in good terms with the accused persons. Apart from the allegation that he had accompanied these petitioners, there is no occurrence witnessed by the informant or any other person so as to even suggest that the killing has been done by the petitioners. Such circumstance has caused the petitioners to be in custody since 14.10.2019. There is no recovery of any incriminating material to suggest that the petitioners were in any way involved in the killing.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail. They have submitted that the other family members have supported the prosecution case. Six to seven cases are pending against the



petitioners as per the case diary.

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

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad (Karauna) P.S. Case No.545 of 2019, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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