

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22713 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- CHARPOKHARI District- Bhojpur

Ashok Yadav Son of Sudama Yadav Resident of Village- Dhyanitola, P.S.-
Charpokhari, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 The Court proceeding has been conducted through
virtual mode.

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

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
08.01.2020 in a case registered for the offences punishable
under Sections 302, 307, 120B/34 of the Indian Penal Code and



Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Lalan Ray recorded by A.S.I., Santosh Kumar Singh, Ara Town P.S. on 02.09.2019 at 5.10 A.M. at Emergency Ward, Sadar Hospital, Ara, is to the effect that on 01.09.2019 on eve of birthday party of niece of Niraj Kumar some cultural programme was being going conducted, in which, co-accused Niraj's friend Deepak Yadav, Nagendra Yadav, Dhiraj Kumar, Prem Yadav and Ashok Yadav, the petitioner and co-accused Bittu Bhutt resorted to fire. On protest being made by the son of the informant, Dhiraj Kumar @ Anku, they got agitated. Thereafter, they chased the son of the informant when the petitioner, Ashok Yadav and co-accused Dhiraj Kumar, Bittu Kumar and Prem Yadav caught hold of the son of the informant and thereafter, on the order of co-accused Niraj Kumar and Nagendra Yadav, co-accused Deepak Yadav fired causing injury on the chest of the son of the informant, who succumbed to the injury.

It is submitted by learned counsel for the petitioner that the accusation of firing is against co-accused Deepak Yadav, whereas, other co-accused who are alleged to caught hold of the son of the informant, i.e., Dhiraj Kumar, Bittu Kumar, Prem



Yadav and Nagendra Yadav, have been granted bail by different Co-ordinate benches of this Court vide Cr. Misc. Nos. 356 of 2020, 3212 of 2020, 12494 of 2020 and 18188 of 2020 respectively. The investigation has already been concluded and statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR to have caught hold of the son of the informant.

Considering the fact that the accusation is omnibus and general when specific accusation has been alleged against co-accused Deepak Yadav, similarly situated co-accused persons have been granted bail by Co-ordinate benches of this Court and investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 189 of 2019.

However, in view of the present pandemic



COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 189 of 2019.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

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