

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23839 of 2020

Arising Out of PS. Case No.-331 Year-2018 Thana- SAUR BAZAR District- Saharsa

Roshan Yadav Son of Mahindra Yadav Resident of Village - Patuwaha, Police Station - Sadar (Saharsa), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2020 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 petitioner 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 petitioner and learned counsel for the State.

The petitioner is languishing in custody since



13.01.2019 in a case registered for the offences punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

The prosecution case as per the fardbeyan of Pawani Devi, recorded by A.S.I, Jitendra Kumar Pandey on 03.06.2018 at 6:15 A.M. in Sadar Hospital, Saharsa is to the effect that on the same day, the informant received information through telephone that her husband has been found dead and the dead body has been taken by the police to the Saharsa Sadar Hospital. The informant alleged that since her husband had performed second marriage with one Kajal Kumari and family members of Kajal Kumari were not happy with the marriage, they might have killed the husband of the informant. Earlier also, they made an attempt to take the life of the husband of the informant but he somehow saved himself for which a criminal case was also registered. The petitioner is not named in the F.I.R.



During course of investigation, the name of the petitioner sprang up on the statements of Surendra Yadav, uncle of the deceased and Damodar Yadav, father of the deceased when they raised suspicion against him.

It is submitted by learned counsel for the petitioner that petitioner is agnate of the victim and he has been roped in the present case only on the basis of suspicion. Moreover, F.I.R named accused persons namely Raj Kishore Yadav, Vijay Thakur and father of the second wife of the deceased have been granted bail vide Cr. Misc. Nos. 71752 of 2018, 39105 of 2019 and Cr. Misc. No. 3024 of 2019 respectively by Co-ordinate benches of this Court and the investigation has already been concluded.

A statement has been made in para 3 of the petition that though the petitioner is accused in eight other cases but he is in bail in seven cases.

Learned A.P.P. submits that the name of the



petitioner sprang up during investigation.

Considering the suspicious nature of accusation, the fact that the petitioner is not named in the F.I.R and the investigation has already been concluded, 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 learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 331 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 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. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 331 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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