

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27285 of 2020**

Arising Out of PS. Case No.-166 Year-2019 Thana- KISHUNPUR District- Supaul

Baijnath Kumar @ Baidyanath Yadav S/o Parmeshwari Yadav Resident of
Village-Fulbariya, P.S.-Kishanpur, District-Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms.Gulnar Begum,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-10-2020 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Gulnar
Begum, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Kishanpur P.S. Case No. 166 of 2019 registered for
the offences punishable under Sections 147, 148, 149, 302/120(B) of
the Indian Penal Code.

Learned counsel for the petitioner submits at the outset
that she has instruction to say as regards the one case mentioned in
paragraph '3', the petitioner is on bail.

So far as the allegation against the petitioner is concerned,
it is alleged that he was one among the seven accused named in the
FIR who had assaulted the nephew of the informant with brick,



stone, kicks and fists and in the said assault the nephew of the informant died. Learned counsel submits that from the FIR itself it will appear that in the alleged occurrence even police had intervened but the nephew of the informant was dragged out from the police vehicle and he was allegedly assaulted as a result whereof he was killed.

Learned counsel for the petitioner has further drawn the attention of this Court towards the statements made in paragraph '11' of the application wherein it is stated that co-accused Surya Narayan Yadav has lodged a fardbeyan prior to the lodgement of the present case against the deceased Asmit Kumar Yadav under Section 302 of the Indian Penal Code along with Section 27 of the Arms Act alleging killing of his daughter by the deceased of this case. The daughter of the informant was posted as a post master in the post office situated in the house of co-accused Surya Narayan Yadav.

Further attention of this Court has been drawn towards the statement made in paragraph '12' which shows that yet another FIR has been lodged in connection with the alleged occurrence by police officer and copy of the same is Annexure '3' to the present application. The said FIR also alleged that a large number of villagers had assembled, they were in angry condition as the deceased of this case had shot at the daughter of the co-accused Surya Narayan Yadav. The police has found from the possession of the dead body of the deceased of this case one country-made pistol with three loaded



cartridges and one empty cartridge was also found on the floor of the post office.

It is, thus, submitted that considering these aspects of the matter a learned Co-ordinate Bench of this Court has granted regular bail to co-accused vide order dated 19.06.2020 in Cri. Misc. No. 1937 of 2020 and the case of the petitioner stands on similar footing with that of the co-accused.

Ms. Gulnar Begum, learned APP for the State has though opposed the prayer for regular bail of the petitioner but at the end learned APP agrees that so far as this petitioner is concerned, he stands on similar footing with those who have already been released on bail by the learned Co-ordinate Bench of this Court.

Having regard to the facts and circumstances of the case, the three FIRs particularly the FIR of the police showing indulgence of the deceased in commission of a crime and then the alleged assault by angry mob of the co-villagers of the deceased lady as also that the co-accused have been granted privilege of regular bail by the learned Co-ordinate Bench of this Court, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 166 of 2019, subject to the condition as laid down under Section 437 (3) 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, of 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

