

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29233 of 2020**

Arising Out of PS. Case No.-75 Year-2019 Thana- KHAJAULI District- Madhubani

Sanjay Kumar Yadav, S/o Kapildeo Yadav, Resident of Village-Inarwa, P.S.-
Khajauli, District-Madhubanil.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Chandra, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, A.P.P.

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

3 01-12-2020 Learned counsel for the petitioner undertakes to remove all 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 Mr.
Dinesh Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Khajauli P.S. Case No. 75 of 2019 corresponding to G.R. No. 845 of 2019 registered for the offences under Sections 364, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the prayer for regular bail of the petitioner was rejected vide order dated 06.02.2020 passed by a learned co-ordinate Bench of this Court in Cr. Misc. No.54686 of 2019 with an observation



that the petitioner may renew his prayer for bail once charge has been framed.

Learned counsel further submits that the charge has been framed in this case on 17.02.2020 but for last 10 months almost no witness has been examined in this case and the trial has yet not started, therefore, there is no likelihood of conclusion of the trial in near future.

Learned counsel further submits that even on merit the learned co-ordinate Bench had considered the matter earlier and had found the materials which disclosed that there was love affair between the co-accused Nand Kishore Yadav and the deceased. So far as the petitioner is concerned, the only thing which has been submitted against the petitioner is his own confessional statement wherein he has allegedly stated that he had held the leg of the deceased along with co-accused Santosh Kumar.

Learned counsel submits that even as per the confessional statement of this petitioner which has been extracted in police custody, the petitioner has allegedly stated that he had reached to the alleged place of occurrence after the co-accused had already killed the deceased. This petitioner had no role to play and moreover the confessional statement is not admissible in



evidence.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering that the learned co-ordinate Bench had earlier rejected the prayer for bail of the petitioner taking note of his confessional statement and then a liberty was granted to the petitioner to renew his prayer for bail after framing of charge, now the charge has already been framed and for last 10 months no witness has turned up and during the present Pandemic period it is not known as to how much time will be taken in conclusion of trial, in the nature of the materials and the circumstances, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Madhubani in connection with Khajauli P.S. Case No. 75 of 2019 corresponding to G.R. No. 845 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 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 step for cancellation of bail bond of the petitioner.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

