

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25187 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- KISHUNPUR District- Supaul

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1. Chandeshwari Yadav Son of Late Desi Yadav @ Wesi Yadav Resident of Village- Parsa, P.S.- Kishnapur, District- Supaul.
 2. Bhupendra Yadav Son of Late Desi Yadav @ Wesi Yadav Resident of Village- Parsa, P.S.- Kishnapur, District- Supaul.
 3. Ashok Yadav Son of Jeetu Yadav @ Jitnarayan Yadav Resident of Village- Parsa, P.S.- Kishnapur, District- Supaul.
 4. Arun Mehta Son of Late Mahabir Mehta Resident of Village- Parsa, P.S.- Kishnapur, District- Supaul.
 5. Dinesh Kumar @ Diga Son of Chandeshwari Yadav Resident of Village- Parsa, P.S.- Kishnapur, District- Supaul.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-11-2020 Heard learned counsel for the petitioners and

learned counsel for the State via video conferencing.

The petitioners seek pre-arrest bail in connection
with Kishanpur P.S. Case No. 237 of 2019 registered for the
offences punishable under Sections 364 and 304/34 of the
Indian Penal Code.

Though the first information report was instituted
under Section 364/34 of the Indian Penal Code, cognizance has
been taken under Sections 302, 364/34 and 201 of the Indian
Penal Code as well as Section 27 of the Arms Act.



It is contended by the learned counsel for the petitioners that altogether ten persons including five petitioners were named in the FIR, but on completion of investigation, the police found the petitioners innocent and final form was submitted against them while sending five other co-accused for trial. However, the learned Magistrate differing with the police report took cognizance of the offence and summoned the petitioners also along with other five charge-sheeted accused persons. He further contended that save and except wild and hypothetical suspicion against the petitioners, there is no material on the basis of which the petitioners could have been summoned by the learned Magistrate along with five charge-sheeted accused persons.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering that the statutory investigating agency found the petitioners to be innocent on completion of investigation, they are directed to be released on bail, in the event of their arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each 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. 237 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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