

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29158 of 2020**

Arising Out of PS. Case No.-115 Year-2019 Thana- BELDOUR District- Khagaria

SAJANMA YADAV Son of Raghu Yadav Resident of Village- Dharhi, P.S.-
Beldaur, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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

3 22-12-2020 Heard learned counsel for the petitioner and Mr.
Parmanand Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Beldaur P.S. Case No. 115/2019, G.R.
No. 1585/2019 registered for the offence punishable under
Section 302, 120(B)/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution story, the son of the informant had
love affair with one Ladli Pravin and both of them wanted to
marry with their own consent but the mother of the girl was not
ready and on 07.06.2019 at about 11:00 P.M. co-accused Jubeda
Khatoon called the son of the informant, when his son went out
of village co-accused along with the petitioner were armed with
weapons and fired on the son of the informant which hit on his



back, left side of Kanpatti and thereafter the son of the informant died at the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that petitioner has been named along with four other persons, all of them had killed the son of the informant but there is no eye witness to the alleged occurrence.

Learned counsel further submits that this court having considered the entire materials in the case diary has earlier granted regular bail to the co-accused Subhash Yadav in Cr. Misc. No. 17747/2020 and co-accused Deepak Sahni in Cr. Misc. No. 27073/2020, and petitioner is in custody in connection with this case since 17.03.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner has been named along with four other persons and it is alleged that all of them had killed the son of the informant but there is no eye witness to the alleged occurrence and this court having considered the entire materials in the case diary has earlier granted regular bail to the co-



accused Subhash Yadav in Cr. Misc. No. 17747/2020 and further the court has been informed that another co-accused Deepak Sahni has also been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 27073/2020, the petitioner being similarly situated and is said to be in custody in connection with this case since 17.03.2020, he is said to have two criminal antecedent in which he is on bail and there being no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate - 1st Class, Khagaria, in connection with Beldaur P.S. Case No.115/2019, G.R. No.1585 of 2019, subject to the conditions as laid down under Section 437(3) of the 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)

Rajeev/-

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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'.

