

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28366 of 2020**

Arising Out of PS. Case No.-462 Year-2018 Thana- NARPATGANJ District- Araria

HIRAKANT YADAV @ HIRAKANT KUMAR YADAV S/o Vidyanand
Yadav Resident of Village-Bela Basmatiya, P.S.-Narpatganj, District-Araria.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 29809 of 2020

Arising Out of PS. Case No.-462 Year-2018 Thana- NARPATGANJ District- Araria

VIJAY YADAV@ BIJAY YADAV Son of Late Dukhi Yadav Resident of
Village- Bela Basmatiya, P.S.- Narpatganj, Dist- Araria.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28366 of 2020)

For the Petitioner/s : Mr.Ramesh Kumar Singh,Adv

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 29809 of 2020)

For the Petitioner/s : Mr.Ramesh Kumar Singh,Adv

For the Opposite Party/s : Ms.Dr. Indiwer Kumari, APP

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

3 09-11-2020 Learned counsel for the petitioners 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 petitioners and Mr. Akhileshwar Dayal and Ms. Indiwer Kumari, learned APP for the State.

This is the second attempt of the petitioners to obtain regular bail in connection with Narpatganj (Basmatia) P.S. Case No.



462 of 2018 registered for the offences punishable under Sections 413, 414, 420/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that earlier the prayer for regular bail of the petitioners was rejected vide order dated 16.01.2020 passed in Cri. Misc. No. 73031 of 2019 mainly after noticing the criminal antecedent of the petitioners and the fact that they were arrested in connection with this case after about one year but at the same time this Court had granted liberty to the petitioners to renew their prayer for bail after a reasonable period of custody.

It is now submitted that the petitioners have remained in custody in connection with this case for one year four months by now.

Learned APP for the State has though opposed the prayer for regular bail of the petitioners but considering the facts and circumstances of the case and that the petitioners have remained in jail for one year four months in connection with the present case, the trial against them is still pending and there is no submission that the release of the petitioners at this stage is likely to interfere with the evidence or the course of trial, let the petitioners 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 District & Sessions Judge, Araria in connection with Narpatganj (Basmatia) P.S. Case No. 462 of 2018 corresponding to Sessions Trial No. 14 of 2020, 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 they 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners.

The applications stands 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'.

