

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30277 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- BASANHI District- Saharsa

SURENDRA YADAV @ SURENDRA PARSAD YADAV Son of Late Babuain Yadav @ Babuan Yadav @ Lodo Yadav Resident of Village Baletha, P.S. Basnahi, District - Saharsa.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the State : Mr. Kumar Virendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 21-12-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the Stamp Reporter, flagged at 'A', within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Basnahi P.S. Case No.64 of 2019 registered under Sections 302 and 120(B)/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 24.06.2019 at about 10.30



P.M., Sanoj Kumar Yadav, the son of the informant Barhamdeo Yadav, along with his friend Pinku Rajak, boarding on his motorcycle, was coming to his house from Khilaha Chowk. When they reached near the field of Kulanand Yadav, the brother of the informant, situated near the canal, then Mankishore Yadav, Dilraj Kumar and Praveen Yadav, boarding on one Apachi Motorcycle, came and surrounded the motorcycle of the son of the informant and shot fire at him. On receiving the gun shot injury, the son of the informant raised alarm, then the informant rushed there and saw his son in screaming condition. On hearing the sound, the other villagers also gathered there. Thereafter, the son of the informant was taken to Surya Hospital, Saharsa, but, before reaching there, he died. The cause of occurrence is that before 10 years, the informant had performed the marriage of his deceased son Sanoj Kumar Yadav with Kanchan Kumari, the daughter of Pavitra Narayan Yadav. Thereafter, while Kanchan Kumari stayed for about 5-6 years at her matrimonial house but, thereafter, she was taken to her Maika and till that time, she was not blessed with any issue. Thereafter, Pavitra Narayan Yadav started demand of money from the informant to perform the remarriage of his daughter Kanchan Kumari, otherwise he would kill him. On



26.06.2019, Surendra Yadav (petitioner), Pramod Yadav, Mankishore Yadav, Dilraj Kumar and Praveen Yadav, under conspiracy, committed the murder of Sanoj Kumar Yadav, the son of the informant.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that there is no eye witness to the occurrence. While it is alleged in the F.I.R. that Pinku Rajak, the friend of the deceased Sanoj Kumar Yadav, was with the deceased Sanoj Kumar Yadav, at the time of returning to his house, boarding on motorcycle, but Pinku Rajak, in his statement, as detailed in paragraph-24 of the case diary, has stated that he left the motorcycle of the deceased in the way and, thereafter, the deceased proceeded further and, later on, the occurrence took place. Further submission is that while the petitioner had, earlier, filed Criminal Misc. No.60521 of 2019 along with Pramod Yadav for grant of bail but the same was dismissed as withdrawn on 11.12.2019 with a liberty to file a fresh application after a period of nine months. In fact, due to land dispute, the petitioner has falsely been implicated in this case. The petitioner is in custody since 26.06.2019 and, on investigation, the police has already submitted the charge-sheet against the petitioner.



Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Saharsa, in connection with Sessions Trial No.46 of 2020, arising out of Basnahi P.S. Case No.64 of 2019.

(Rajendra Kumar Mishra, J)

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