

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29836 of 2020

Arising Out of PS. Case No.-699 Year-2019 Thana- JAMUI District- Jamui

NARAYAN YADAV, aged about 72 years (Male), S/O Late Madho Yadav,
R/O Village - Chhathu Dhanama P.S. Jamui, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate and Mr. Umesh Prasad, Advocate.
For the Opposite Party	:	Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned senior counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 302, 120(B) of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 31.12.2019



at about 4.00 P.M. in the evening, co-accused Parmanand Mandal and Alok Sao took the informant's father from his house. About 5.00 P.M. in the evening, on the hearing of sound, when the informant and his family members went near the house of Kantu Mandal, he saw that Panchanand Yadav, Mani Yadav @ Manish, Paras Yadav, Tulsi Yadav having Katta in their hands and Sudhir Yadav, Kantu Mandal, Bittu Kumar caught the father of the informant and killed him. Apart from that, 3-4 persons were also present there but the informant did not identify them. Due to fear, the informant and others fled away from the place of occurrence. When the accused persons went away, informant reached near the dead body of his father and informed the police.

It has been submitted by learned senior counsel for the petitioner that the petitioner is in custody since 02.03.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case in course of investigation at a belated stage. The same is after thought. The petitioner and the



informant belong to the same village. There is no reason why the informant did not name the petitioner in the F.I.R., as to when nine persons are named in the F.I.R. The petitioner is well known to the informant prior to the alleged occurrence but still the informant did not name the petitioner in the F.I.R., and tried to drag his name subsequently after thought in the present case for oblique motive.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Jamui, in connection with Jamui P.S. Case No. 699 of 2019.

(Sudhir Singh, J)

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