

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26203 of 2020**

Arising Out of PS. Case No.-472 Year-2019 Thana- FALKA District- Katihar

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GOPAL YADAV S/O- Bhagwat Yadav R/O. Vill. - Sahariya, P.S. - Barari,
Distt. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, APP

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

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

2 12-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Falka P.S. Case No.472 of 2019 registered for the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR, however, his name seems to have transpired in the confessional statement of the co-accused but save and except that there is no material against the petitioner. It is submitted that in case the petitioner was apprehended by police on mere suspicion in Barari P.S. Case No.398/2019 registered under



Sections 413 and 414 of the Indian Penal Code in which his confessional statement was recorded and he was remanded in the present case. He is in judicial custody since 03.01.2020, but till date no T.I. Parade has taken place, therefore there is no identification of the petitioner in connection with this case. In Barari P.S. Case No.398/2019 the petitioner has got bail. It is further submitted that after completion of investigation in this case a chargesheet has already been submitted and as such there is no chance of tempering with the evidence.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering that the petitioner is in jail in connection with this case since 03.01.2020, but till date there is no identification of the petitioner and the only case in which he was made accused he has been granted bail and further nothing incriminating has been recovered from the possession of the petitioner, let the petitioner abovenamed 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 Chief Judicial Magistrate, Katihar in connection with Falka P.S. Case No.472/2019, 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 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 steps 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)

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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'.

