

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32634 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- PARBATTI District- Bhagalpur

Pawan Yadav, S/o Late Bhairu Pd. Yadav @ Mahesh Pd. Yadav @ Mahesh
Yadav, R/o village- Latra, P.S.- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ranjan Kumar Jha, Advocate
For the S t a t e	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Abhimanyu Vatsa, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks bail in connection with Parbatta P.S. Case No.102 of 2019 registered for the offence



punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Three named accused persons have allegedly assaulted the brother of the informant, leading to his demise.

It is submitted by the petitioner's counsel that the petitioner's implication is merely on the basis of confessional statement of co-accused Gandhi Yadav, which has no evidentiary value. Named accused against whom there is specific allegation of assault, namely, Murli Rai and another co-accused Gandhi Yadav, who has stated the petitioner's involvement, have since been allowed bail by the court below. The petitioner is also accused in three other cases, details of which has been disclosed in paragraph 3 of the bail petition. The petitioner is now in custody since 18.05.2020, which has wrongly been printed as 18.05.2019 in the bail petition due to inadvertence in paragraph 12 of the bail petition.

Learned APP for the State as well as the learned counsel for the informant has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3rd, Naugachia, District-Bhagalpur, in connection with Parbatta P.S. Case No.102 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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