

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76206 of 2019**

Arising Out of PS. Case No.-86 Year-2016 Thana- FULKAHA District- Araria

BHUPEN YADAV @ BHUPENDRA YADAV S/o Bhola Yadav R/o village-
Achara, P.S.- Fulkaha, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Binod Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 09-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Fulkaha Police Station (for brevity, PS) Case No 86 of 2016 instituted for the offence punishable under Section (s) 147, 148, 149, 302, 120B of Indian Penal Code and Section 27 of Arms Act.



The petitioner has renewed his prayer for bail after its rejection on the last occasion vide order dated 27.04.2018 passed in Cr Misc No 17270 of 2018.

The prosecution case alleges firing by the various accused persons. The petitioner is also alleged to have inflicted gunshot injury on the victim.

It is submitted by petitioner's counsel that till date, in the trial Court, matter has not progressed beyond taking cognizance. Petitioner now is in custody for more than three years, i e, since 24.08.2017. Other co-accused persons, namely, Tara Chand Yadav, Bhola Yadav, Bhulten Yadav, Rakesh Yadav, Ramanand Yadav and Devnandan Yadav @ Deo Nandan Yadav have already been granted bail by different Benches of this Court in Cr Misc No 16869 of 2017, Cr Misc No 51846 of 2017, Cr Misc No 53089 of 2017, Cr Misc No 1614 of 2018, Cr Misc No 2265 of 2018 respectively.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Chief Judicial Magistrate V, Araria in Fulkaha PS
Case No 86 of 2016 arising out of GR No 2697 of 2016 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.

(Madhuresh Prasad, J)

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