

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84337 of 2019**

Arising Out of PS. Case No.-124 Year-2017 Thana- KAUWAKOL District- Nawada

BALMU KUND YADAV @ BALMUKUND YADAV Son of Lakhan Yadav
Resident of Village- Nawadih, P.S.- Kowakole, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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

5 04-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

This is an application for grant of regular bail to the

petitioner in connection with Kauwakol P.S. Case No. 124 of

2017 registered for the offence punishable under Sections

302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this

case. It is further submitted that there is no eye witness to the

alleged occurrence.

Learned counsel submits that in the case diary except



suspicion nothing concrete has been collected by the investigating officer. In the paragraphs referred in the impugned order only suspicion has been raised against the petitioner and no witness has identified this petitioner. It is further submitted that similarly situated co-accused Sunil has been allowed bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 60504 of 2017 and the petitioner is in custody since 01.10.2019 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case on mere suspicion and in paragraphs 30, 31 and 32 of the case diary which have been relied upon by the learned Sessions Judge while rejecting the prayer for bail of the petitioner there is no statements so as to say that this petitioner has been identified by any of the witnesses, there is no eye witness to the occurrence and the co-accused Sunil who is similarly situated to the petitioner has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 60504 of 2017 (Annexure '3'), the petitioner has stated that he has no criminal antecedent,



let the petitioner above named be released on bail in S. Tr. no. 42 of 2018 / 255 of 2019 arising out of Kauwakol P.S. Case No. 124 of 2017 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.D.J. IXth, Nawada, subject to the conditions as laid down under Section 437(3) of the 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, or 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 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 during the lockdown period. The authorities concerned shall take appropriate steps to ensure such



observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

avin/-arvind

U		T	
---	--	---	--

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'.

