

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39009 of 2020**

Arising Out of PS. Case No.-155 Year-2020 Thana- JAMUI District- Jamui

Ramashray Yadav Son of Basudeo Yadav Resident of Village - Chandwara,
P.S. - jaimuni, District - Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the State	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Sanjay Kumar Sharma, Advocate

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

4 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Ms. Anita Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Jamui P.S. Case No. 155 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 356, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that on bare perusal of the First Information Report, it will appear that this petitioner has been shown along with six named accused



persons present on the place of occurrence. It is alleged that this petitioner and co-accused Sita Ram Yadav had caught hold of the hand of the deceased. The co-accused Sachindra Yadav had assaulted him by a sword and Dasrath Yadav had assaulted the deceased by an iron rod thereafter co-accused Suresh Yadav had repeatedly assaulted him.

Learned counsel submits that the petitioner has been named in the case because earlier he had appeared as a witness in a case against the prosecution side. It is further submitted that no overt act has been alleged against the petitioner. Co-accused Suresh Yadav and Satish Yadav have been granted bail by a learned Co-ordinate Bench as well as this Court in Cri. Misc. No. 813 of 2021 and Cri. Misc. No. 29173 of 2020 respectively. The investigation against the petitioner is complete and he is in custody in connection with this case since 19.03.2020.

On the other hand, learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is submitted that this petitioner was very much present on the place of occurrence and had caught hold of one of the hands of the father of the informant, therefore, the petitioner does not deserve privilege of bail.

Having regard to the facts and circumstances of the



case, wherein this Court has noticed that the main assailant in this case is the co-accused Sachindra Yadav who had allegedly assaulted by sword and then there are allegations that some of the co-accused have also assaulted, one of whom namely Suresh Yadav has been granted privilege of bail by this Court, so far as the present petitioner is concerned, no overt act has been alleged against him, he is in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 155 of 2020, subject to the conditions 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 is suspected, and
- (c) that such persons shall not directly or indirectly make and 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

