

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3578 of 2021**

Arising Out of PS. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

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SURAJ YADAV @ SURAJ KUMAR YADAV son of Ramdev Yadav
Resident of Urdu Bazar, P.S.- Tatarpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Jha, Advocate
For the Informant	:	Mr. Ravi Shankar Pankaj, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

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

2 13-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Tatarpur P.S. Case No. 286 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 120(B) of the Indian Penal Code has been added.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. His name has transpired in the confessional statement of the co-accused Raj Kumar Yadav.



Raj Kumar Yadav has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 12005 of 2020 vide order dated 28.02.2020.

Learned counsel further submits that in the C.C.T.V. footage, co-accused Md. Aamir, Suraj Tanti and Zisan were identified. So far as this petitioner is concerned, he has not been seen in the C.C.T.V. footage, however, he has been falsely implicated in this case and has been taken on remand after his arrest in connection with the Tatarpur P.S. Case No. 154 of 2019 in which he is on bail.

Learned counsel has further placed on record several orders of the learned co-ordinate Benches of this Court granting bail to the co-accused who were involved in this case on mere suspicion. It is the submission of learned counsel that the case of the petitioner is similarly situated to those who have been granted bail.

Learned counsel for the informant has though opposed the prayer for bail of the petitioner but is unable to controvert the submissions of the learned counsel for the petitioner.

Learned A.P.P. for the State has though opposed the prayer for bail but he is also unable to show that the case of the



petitioner is not similarly situated to those who have been granted bail by learned co-ordinate Benches of this Court.

Considering the aforesaid facts and circumstances of the case, wherein the petitioner has not been identified in the C.C.T.V. footage and the only material which has been brought against him is confessional statement of the co-accused Raj Kumar Yadav who has also been granted bail by a learned co-ordinate Bench of this Court, the petitioner is in custody in connection with the present case since 06.12.2019, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of the investigation or the prosecution, there being no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Bhagalpur in connection with Tatarpur P.S. Case No. 286 of 2019, S.T. No. 155 of 2020, 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 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.

This application stands disposed of accordingly.

(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'.

