

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.185 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- LAXMIPUR District- Jamui

SIYARAM YADAV@ SIYARAM KUMAR Son of Motal Yadav Resident of
Village - Devachack, P.S.- Malaypur, Distt.- Jamui.

... .. Petitioner

Versus

THE STATE OF BIHAR PATNA,

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.N.K. Aggarwal, Sr. Advocate Mr.Kumar Kamal Nayan, Advocate
For the Opposite Party/s	:	Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-03-2021 Heard Mr. N.K. Aggarwal, learned Senior Counsel for
the petitioner and Ms. Asha Devi, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Laxmipur P.S. Case No. 114 of 2020 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of Arms Act.

Learned Senior Counsel for the petitioner submits that from the First Information Report, it would appear that the deceased had some enmity with her uncle Bhola Mandal and cousin brother Pawan Mandal. The informant claims that because of the said enmity his uncle has hatched a conspiracy with some other criminals and got his brother killed.

Learned Senior Counsel submits that the name of the petitioner has been brought in this case on the basis of a confessional statement said to have been extracted from the petitioner when he



was arrested with a pistol along with co-accused Umesh Kumar from whose possession one live cartridge was allegedly recovered and for which Barhat P.S. Case No. 49 of 2020 has been lodged. It is submitted that save and except the confessional statement of the petitioner and the co-accused no material has surfaced against the petitioner in connection with the present case.

Learned Senior Counsel further submits that the co-accused Umesh Kumar has been granted bail by a learned Coordinate Bench of this Court vide order dated 02.03.2021 in Cri. Misc. No. 38646 of 2020 and the case of the petitioner stands on similar footing.

Learned APP for the State has though opposed the prayer for bail of the petitioner but in course of argument no material has been placed before this Court to show that the case of the petitioner stands on different footing from that of the co-accused who has been enlarged on bail.

Considering the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M., Jamui in connection with Laxmipur P.S. Case No. 114 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 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'.

