

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3089 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

Chandan Yadav @ Srikant Kumar, Son Of Late Ramsewak Yadav, Resident of
Kutubganj, Police Station- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all 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 connection with
Mojahidpur (Barbarganj) P.S. Case No.119 of 2020 registered
for the offence punishable under Sections 302/34, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged the killing of her son by
named accused Karku Yadav, Jacky Yadav, Chanik Yadav,



Pramod Yadav and Amrendra Singh.

Learned counsel for the petitioner submits that on the basis of the confessional statement of co-accused Mukesh Paswan as well as petitioner's own confessional statement, he has been implicated in this case, though he is not named in the F.I.R. His implication on the said two basis is legally unsustainable. Petitioner has no criminal antecedents and is in custody since 15.06.2020.

Learned APP for the State has assisted the Court with reference to the case diary. It is submitted that in between paragraphs 77 to 82 of the case diary, CDR details has been discussed and the petitioner was found at the place on the alleged date and time of the occurrence.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Barbarganj) P.S. Case No.119 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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