

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6016 of 2021

Arising Out of PS. Case No.-429 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

BAHARAN YADAV SON OF SRINATH YADAV ALIAS SRINATH
CHAUDHARY RESIDENT OF VILLAGE - LAKHRAON, POLICE
STATION - SIWAN MUFFASIL, DISTRICT – SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Mukesh Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-05-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

The petitioner seeks bail in connection with Siwan (Muffasil) P.S. Case No.429 of 2020 registered for the offence punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in short is that the co-villagers of the informant namely Umesh Kumar Yadav, Pappu Kumar Sah, came to her house and took her son with them but her son did not return till late night, then the informant and his family members inquired to Umesh Kumar Yadav and Pappu Kumar Sah but they gave no satisfactory answer. In the meantime, the informant came to know from viral video message that her son



has been killed by the said accused persons including the petitioner and some other unknown persons. The deadbody of the son has been concealed somewhere.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. There is no eye-witness to the occurrence and only on the basis of confessional statement of the co-accused Umesh Kumar Yadav, petitioner is made accused in the present case. There is general and omnibus allegation against the petitioner. No deadbody has been recovered and no proof of viral video is produced so far. The charges has been framed. The petitioner has no criminal antecedent and has been languishing in custody since 21.09.2020.

Learned APP for the State opposed the bail petition and submitted that the witness Ajit Kumar, brother of the deceased has clearly stated that this petitioner has also come with the other co-accused persons on 03.09.2020 to take his brother.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Siwan, in connection with Siwan (Muffasil) P.S. Case No.429 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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