

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8733 of 2021**

Arising Out of PS. Case No.-120 Year-2012 Thana- SONO District- Jamui

PINTU YADAV Son of Kaleshwar Yadav Resident of Village- Jhamhan, P.S.
Charkapathar, Distt- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

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

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

3 16-06-2021 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 and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sono (Charkapathar) P.S. Case No. 120 of 2012 registered for the offences punishable under Sections 302/120/34 of the Indian Penal Code and Section 17 of C.L.A. Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to old land dispute. It is further submitted that there is no specific allegation against the petitioner that he has indulged



in the alleged occurrence of killing the son of the informant and further that several co-accused persons had been granted bail by a learned co-ordinate Bench of this Court. Learned counsel submits that the petitioner is in custody since 24.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been named one amongst the 18 persons in the F.I.R. along with 15-20 unknown persons alleging that they are members of the naxal party however, it is the own case of informant that his son had gone on a telephonic call received from one Naresh Yadav and thereafter his dead body was found, there being no specific allegation that this petitioner has indulged in the alleged occurrence of killing the son of the informant and further consideration that several co-accused including Naresh Yadav had been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. Nos. 1056 of 2014, 14817 of 2013 and 8546 of 2015 and as per the report received from the learned trial court, the trial is likely to take another two years, 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 Smt. Bharti Kumari, J.M. 1st Class, Jamui in connection with Sono (Charkapathar) P.S. Case No. 120 of 2012 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.

And further condition that petitioner shall cooperate in course of trial and shall appear on each and every date fixed in the matter by the trial court. Two consecutive defaults in putting appearance in course of trial shall lead to cancellation of his bail bond by the court below itself.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

