

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18382 of 2021

Arising Out of PS. Case No.-698 Year-2020 Thana- SUPAUL District- Supaul

Neeraj Kumar @ Neeraj Yadav, Son of Upendra Yadav @ Upendra Prasad
Yadav, Resident of Village- Lohiyanagar, Ward No.9, P.S. and Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate

Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

17 15-07-2022

Pursuant to the direction of this Court, report from the Forensic Science Laboratory has been received in sealed cover and the same has been opened in presence of the parties and having perused the same.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Y. C. Verma, learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Supaul P.S. Case No. 698 of 2020 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.



The prosecution case is based upon a written report filed by the informant alleging therein that in order to resolve the dispute between the two sides, a Panchayati was held at the door of Pradeep Yadav. It is further alleged that after Panchayati, on the request of Pradeep Yadav, the deceased was slept at the house of Pradeep Yadav and in the night the informant woke-up after hearing the screaming sound of his brother and he saw that the petitioner including the F.I.R. named accused persons and unknown miscreants were dragging his brother after stabbing with sharp pointed weapons. It is further alleged that co-accused Sanu Singh, Prabhu Kamat tied the informant with Gamchha and confined him till 4.00 A.M. whereupon the informant escaped from the place of occurrence and came back to his village where he narrated the entire story to the villagers. The police took the dead body of the deceased before returning the informant to the place of occurrence.

Learned senior counsel for the petitioner submits that there is general and omnibus allegation of stabbing against all the accused persons and no specific allegation of any overt act has been alleged against this petitioner. It is further submitted that from the F.I.R. it is evident that the informant is not the eye witness to the alleged occurrence and the petitioner has been



implicated in this case on mere suspicion, though there is absolutely no cogent material against him. It is further submitted that so far the question of blood stain found on the clothe of the petitioner is concerned, a report from the Forensic Science Laboratory was called for and from the report of Serological analysis the same has been found to be inconclusive. It is next submitted that the co-accused persons, against whom there is identical allegation, namely, Nirdosh Yadav @ Subhash Yadav and Alok Kumar @ Sonu Kumar @ Sanu Singh, have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 3149 of 2022 vide order dated 20.04.2022 and Cr. Misc. No. 20967 of 2021 vide order dated 09.07.2021 respectively, the copies of which have been produced before this Court and the same have been taken on the record. It is next submitted that this petitioner is in custody since 06.10.2020 having fair antecedent and moreover after completion of investigation, charge-sheet has already been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, ample evidence/materials have come, which suggests the complicity of the petitioner in the present crime and the witnesses have supported the prosecution



case and blood stained clothes of the petitioner have been seized by the police.

Having considered the rival submissions made on behalf of the parties and taking into consideration the Forensic Science Laboratory report, which has been found to be inconclusive and moreover the accused persons, having similar allegations, have already been granted bail by different learned coordinate Benches of this Court and this petitioner is in custody since 06.10.2020 having no criminal antecedent, apart from the fact that the investigation of the crime against the petitioner is already completed, and the trial is not likely to be concluded in near future and he is ready to give undertaking that he will fully cooperate in the trial and will remain present on each and every date, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 698 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Office is directed to return the Forensic Science Laboratory report to the Director, Regional Forensic Science Laboratory, Bhagalpur.

(Harish Kumar, J)

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