

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39140 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- JAMALPUR District- Munger

BIRBAL YADAV S/o Dilip Yadav R/o village- Singhiya English, P.S.- Naya
Ram Nagar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 31-01-2022 Heard the parties through video conferencing.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Jamalpur P.S. Case No. 74 of 2020 for the offence punishable under Section 363 of the Indian Penal Code. Later on Sections 364, 302, 201 and 120B/34 IPC were added.

The prosecution case, in brief, is that the son of the informant had left his house on 05.07.2020 on his three wheeler, but he did not return till night, search was made subsequently and his dead body was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the name of the



petitioner has surfaced in this case on the confessional statement of co-accused Sudhanshu Kumar who has been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2021 passed in Cr. Misc. No. 35999 of 2020. He has been roped in this case because prior to this case he has been made accused in Naya Ram Nagar P.S. Case No. 125 of 2020 in which he is on bail. Charge sheet has been submitted in this case. Petitioner is in custody since 31.12.2020.

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

Considering the aforementioned facts and circumstances of the case, the name of the petitioner on the basis of the confessional statement of the co-accused Sudhanshu Kumar, who has been released vide order dated 10.03.2021 passed in Cr. Misc. No. 35999 of 2020, period of custody of the petitioner and there is no allegation of tampering with the evidence or influencing the witnesses, the petitioner, above named, 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 CJM, Munger in connection with Jamalpur P.S. Case No. 74 of 2020, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

