

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43245 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- JAMUI District- Jamui

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BATAN YADAV Son of Talebar Yadav Resident of Village- Gidha Bukar,
Police Station- Jamui, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 04.04.2021, seeks
regular bail in connection with Jamui P.S. Case No. 401 of 2020
registered for offences punishable under Sections 147, 148, 149,
341, 342, 323, 324, 325, 363, 364, 307, 302, 120(B), 201, 506,
153(A) and 295(A) of the Indian Penal Code.

Prosecution case, in brief, is that twenty five named
accused persons and also 20-25 unknown came variously
armed. They informed on the telephone that they have
kidnapped two persons. They started to beat the persons and on



the orders of petitioner and one Indu Kumari, it is stated that the accused persons namely, Rahul, Sunil Rawat, Vijay Rawat, Mahesh Rawat and Prakash Yadav started to assault and later one dead body was recovered which was identified as the body of Ibran.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner. There is no direct allegation of assault that this petitioner has beheaded the deceased. He further submits that there is specific allegation against co-accused persons namely, Sunil Rawat, Bijay Rawat, Mahesh Rawat and Prakash Yadav. Charge-sheet has already been submitted against the petitioner and there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime and there is no allegation of tampering the evidence or influencing the prosecution witnesses by the petitioner. He further submits that petitioner has no criminal antecedent and he is in custody since 04.04.2021. Other similarly situated co-accused persons have already been enlarged on bail and on the basis of parity, the present petitioner be enlarged on bail.

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



Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the fact that no overt act has been alleged against the petitioner who is in custody since 04.04.2021, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 401 of 2020 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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