

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65999 of 2021**

Arising Out of PS. Case No.-317 Year-2019 Thana- SHERGHATI District- Gaya

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MUNARIK YADAV Son of Meghan Yadav Resident of Village - Mohandih,  
P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      19-01-2022                      Heard Mr. Shivendra Prasad, learned counsel for the  
  
petitioner and Mr. Anand Mohan Prasad Mehta, learned  
  
Additional Public Prosecutor appearing for the State through  
  
video conferencing.

Petitioner seeks regular bail in connection with  
  
Sherghati (Dobhi) P.S Case No. 317 of 2019 registered for the  
  
offences punishable under Sections 302, 201 and 34 of the  
  
Indian Penal Code.

This is second attempt for grant of regular bail on  
  
behalf of the petitioner inasmuch as earlier the bail application  
  
of the petitioner was rejected by this Court vide order dated  
  
20.10.2020 passed in Cr. Misc. 26899 of 2020 with liberty to  
  
renew his prayer for grant of regular bail after one year if the  
  
trial does not show any progress.



The allegation against the petitioner is that on 11.07.2019, the petitioner along with other co-accused persons arrived at the house of the informant and took away his son, Radhey Kumar (deceased) and on the following day, i.e. on 12.07.2019, the informant came to know that his son had been killed and his dead body was found near the canal.

Learned counsel for the petitioner submits that at best the allegation against the petitioner is that the deceased accompanied the petitioner on his call and the petitioner is said to be the last seen in the company of the accused persons including the petitioner. He further submits that the trial is not likely to be concluded in near future due to covid-19 pandemic. He next submits that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 9790 of 2021. The petitioner is in custody since 3.12.2019.

This Court by order dated 01.12.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the learned ADJ 5<sup>th</sup>, Gaya has submitted its report vide letter No. 1 dated 4.1.2022 and from perusal of the same, it appears that charges have been framed on 4.1.2022 and none of the charge sheet witnesses have been examined as yet.



Regards being had to the submission made by the parties and taking into consideration the material on record, the fact that the petitioner is in custody since 3.12.2019, the trial is not likely to be concluded in near future due to Covid 19 pandemic, only charges have been framed against the petitioner and other accused persons, the petitioner is in custody since 3.12.2019 and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM Sherghati, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 317 of 2019 subject to the following conditions:-

*(i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bod shall be cancelled by the court below.*

*(ii) that if the petitioner tampers with the evidence or the witnesses, in that*



*case, the prosecution will be at liberty to  
move for cancellation of bail.*

It is made clear that at the time of furnishing bail  
bonds all the parties shall follow the guidelines regarding  
lockdown and social distancing.

**(Anil Kumar Sinha, J)**

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