

IN THE COURT OF 4TH ADDL.SESIONS JUDGE , MUNGER,

SESSIONS TRAIL NO.211 OF 2019

21.04.2020 Bail Application filed on behalf of the petitioner namely Sanjay Yadav @ Lalla Yadav who is in custody since 21.06.2019 in connection with Bariarpur P.S Case No. 129 of 2018(S.T No. 211/2019) registered under sections 392 and 412 of the Indian Penal Code is put up for hearing today. An application received through E-mail to move this Bail petition during the period of COVID-19 Lock down.

Heard both the learned counsel for the petitioner Sri Vishwajit Singh as well as learned P.P for the State through WhatsApp and perused the case record.

Learned counsel for the petitioner submits that petitioner is innocent he has committed no offence and that he has been falsely implicated in this case merely on suspicion. Previously a bail application on behalf of the petitioner has been moved in Bail application no. 1082 of 2019 which has been withdrawn from the court of learned A.D.J IV, Munger because case has been committed to the court of Sessions. No bail application on behalf of the petitioner has been moved in the Honorable;e High Court, Patna. The petitioner is no named in the FIR. No incriminating article has been recovered form his possession. No T.I.Parade has been held up till now. Absolutely, there is no material against this petitioner to connect him with the alleged offence except the confessional statement of co-accused before police. Petitioner is in jail custody since 21.06.2019. therefore, it is also prayed to enlarge the petitioner on bail. Due to Corona Pandemic no purpose will be solved by keeping this petitioner in custody.

Learned P.P on the other hand opposed the bail prayer of this petitioner but does not deny the factual submission.

On perused of the case record it reveals that petitioner is in jail custody since 21.6.2019. Petitioner's name surfaced in this on the basis of confessional statement of co-accused. One accused Pawan Mandal has been granted bail by Hon'ble High Court, thereafter on the basis of parity this court also granted bail to co-accused Amit Kumar @ Chhakkan Jha.

This court wishes to rely on **Babuni Yadav and other Vs. State of Bihar, Patna High Court 2011(2PLJR)** in which Hon'ble Court opined that “ this fact is being noted by this court out of anxious(SIO-ANXIETY ? When orders of Supreme Court are cited sub-ordinate court are expected to treat them with respect and follow then if they are unable to distinguish them.”

Considering the period of custody, prevalent Pandemic of Corona I am inclined to release the petitioner on bail, parity with other accused persons. Therefore, petitioner is ordered to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each with conditions that if the accused found in any case of similar nature in near future, his bail bond be liable to be canceled after an application from prosecution side. However, considering that the entire state is under lock-down due to COVID-19 Pandemic, the petitioner is directed to be released on furnishing personal bond of Rs.5,000/- each for the time being with further condition that he will furnish bail bond within two weeks of lifting of lock-down. Accordingly the bail petition of accused Sanjay Yadav @ Lalla Yada is hereby **allowed**.

Dictated & corrected,

4th Addl. Sessions Judge, Munger,

