

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32160 of 2015

Arising Out of PS.Case No. -4 Year- 2004 Thana -NIMCHAKBATHANI District- GAYA

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1. Rabindra Yadav @ Rabindra Prasad Yadav Son of Sri Saryu Yadav,
resident of village - Daulatpur, Police Station - Atari in the district of Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 05-11-2015 Heard the learned counsel for the petitioner, the

learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 302/34 of the I.P.C and section 27 of the
Arms Act.

In the F.I.R. there is specific allegation against the
petitioner to fire from his pistol on Laldev Yadav (deceased)
besides other co-accused but after completing investigation final
form was submitted against the petitioner on 17.08.2004 which
was accepted by the learned C.J.M on 16.01.2006. The said order
was challenged after lapse of four years vide Cr. Misc. No. 1537
of 2010 and on technical ground that the informant was not
noticed, the order dated 16.01.2006 was quashed in part directing

the C.J.M., Gaya to decide the case after hearing the parties afresh and then cognizance has been taken against the petitioner resulting he is suffering in custody since 19.03.2015.

Submission is of false implication due to political rivalry with the then M.L.A. Rajendra Yadav who is very close to the informant. During investigation several witnesses have stated regarding innocence of the petitioner and further regarding his false implication and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner is also one of the assailant and during investigation also most of the witnesses have supported the version as made in the fardbeyan.

In the facts and circumstances as stated above, considering that final form was submitted against the petitioner and after lapse of time cognizance has been taken against him and as such considering detention and further the case has already been committed the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Gaya in Neemchak Bathani P.S. Case No. 04 of 2004, subject to the conditions that one of the bailors must be a near relative and

another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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