

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34404 of 2015

Arising Out of PS.Case No. -20 Year- 2013 Thana -RAJAUN District- BANKA

Subodh Yadav, son of Late Kishori Yadav, resident of village- Mirjapur,
P.S. Barahat, District-Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-07-2015 Heard Sri Balram Kapri, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on behalf of the petitioner in connection with Sessions Trial No.789 of 2013 arising out of Rajaun P.S. Case no.20 of 2013 registered for the offence under Section 302 and other allied Sections of the Indian Penal Code and 27 of the Arms Act. Earlier the prayer for bail of the petitioner was rejected by order dated 22.01.2014 passed in Cr.Misc.No.29936 of 2013.

Learned counsel for the petitioner submits that in case of one another accused almost on similar accusation, a Bench of this Court has granted bail on 03.07.2015 vide Cr.Misc.No.16584 of 2015. He submits that co-accused Shambhu Yadav, who has been granted bail, had remained in jail since 15.02.2014, whereas

the petitioner is in custody since 11.03.2013. This is a glaring case of change of circumstances.

In view of the fact that one of the co-accused has already been granted bail, there is no reason to further detain the petitioner. Let the petitioner Subodh Yadav be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge IIIrd , Banka in connection with Sessions Trial No.789 of 2013 arising out of Rajaun P.S. Case no.20 of 2013 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial on each and every date, the petitioner shall remain physically present before the court below. If continuously on two dates the petitioner remains absent without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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