

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49663 of 2014

Arising Out of PS.Case No. -207 Year- 2014 Thana -SHERGHATI District- GAYA

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Rajesh Kumar Yadav S/o Munshi Yadav, resident of village - Dewaniya,
P.S. - Barachatty, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the informant : Mr. Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 392, 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

It is submitted that the petitioner is not named in the first information report vide Annexure-1 as an accused. It is further submitted that no looted articles has been recovered either from his house or from the possession of the petitioner and only incriminating material against him is that he has been named by co-accused in the alleged confession recorded by the police. It is highlighted that the petitioner is in judicial custody since 04.08.2014.

Learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant have opposed the prayer, but have not been disputed the aforesaid submissions.

In the facts and circumstances of the case, the prayer for bail of the petitioner is allowed. The above named petitioner is

ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati, District Gaya in Sherghati (Dobhi) P.S.Case No. 207 of 2014, subject to the following conditions:

(A) both the bailors must be parents of the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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