

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5302 of 2015

Arising Out of PS.Case No. -94 Year- 2014 Thana -BARIYARPUR District- MUNGER

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1. Mithun @ Kare Yadav S/O Late Pradip Yadav Resident of vill-
Ghorghat,P.S-Bariyarpur,Distt-Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arpana Kumari

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with
Bariyarpur P.S. Case No. 94 of 2014 registered for the offences
punishable under Sections 147, 148, 149, 457, 302 of the Indian
Penal Code, Sections 27 (1) of the Arms Act and Sections 3(i)
(viii) (x) (xv) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioner and others dragged the
deceased from the house and co-accused Pochan Yadav @ Nilesh
Yadav had shot fire on the left temporal region of the deceased.

Submission is that the petitioner was only the
member of mob, there is no allegation of firing against him and in
this case chargesheet has already been submitted and there is no

chance of tampering with the prosecution evidence. It has further been submitted that in this case some of the co-accused has been allowed pre-arrest bail and regular bail.

Learned APP duly assisted by the learned counsel representing the informant opposed the prayer for bail by pointing out that the petitioner has criminal antecedent also.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail **after framing of charge** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Raj Kumar Srivastava, Special Judge (SC/ST)-cum- Additional Sessions Judge-I, Munger in S. T. No. 967 of 2014 arising out of Bariyarpur P.S. Case No. 94 of 2014, 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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