

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49776 of 2014

Arising Out of PS.Case No. -190 Year- 2013 Thana -SULTANGANJ District- PATNA

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Shashi Yadav, Son of Shankar Yadav, Resident of Mohalla Mauar Lane,
Police Station Sultanganj, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asoka Jang Bahadur
Mr. Ram Narayan Singh

For the Opposite Party/s : Mr. Uday Chand Pd., Addl.P.P.

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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 originally registered under Sections 364/34 of the Indian Penal Code, in which subsequently offences under Sections 302/201/120B of the Indian Penal Code were also added.

It is submitted that the petitioner is not named in the FIR vide Annexure-1 as an accused and he is in judicial custody since 30.11.2013, yet case has not been committed to the court of Session and is still pending before the learned Magistrate. It is also submitted that the other co-accused persons with identical allegations have already been granted bail.

Taking into consideration the aforesaid aspects particularly the period of incarceration, the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of Sri Nitin Kaushik, the learned Judicial Magistrate-1st Class, Patna City in connection

with Sultanganj P.S. Case No.190 of 2013, subject to the conditions that:

- (a) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with 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;
- (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 date, 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)

Arvind/-

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