

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55892 of 2015

Arising Out of PS.Case No. -183 Year- 2014 Thana -KHAIRA District- JAMUI

Suresh Yadav son of Mahabir Yadav, resident of village- Jhundo, P.S.-
Khaira, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate
: Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 15-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Khaira P.S.
Case No.183 of 2014 registered under Sections 147, 342, 324 and
302 of the Indian Penal Code.

It is contended that though the informant claims herself
to be an eye witness to the occurrence, the statements of the
witnesses recorded in paragraphs 24 and 25 of the case diary
would falsify her claim. According to the independent witnesses
examined in paragraphs 24 and 25 of the case diary, the petitioner
subsequently reached at the place of occurrence on receiving
telephonic call. They have made omnibus and general allegation

against eight accused persons including the petitioner and co-accused Dinesh Sah @ Dinesh Saw, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.11.2015 passed in Cr. Misc. No.35460 of 2015. It is further contended that custodial interrogation of the petitioner is not warranted as on completion of investigation the police have already submitted charge-sheet in the court and the learned jurisdictional Magistrate has already taken cognizance of the offence.

Learned counsel for the State has opposed the application filed on behalf of the petitioner. However, he concedes that the case of the petitioner stands on identical footing to that of co-accused Dinesh Sah @ Dinesh Saw.

Regard being had to the facts and circumstances of the case, the above named 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 learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No.183 of 2014 subject to the following conditions:-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the court and shall not change his address till the final

disposal of the case or till further orders in that regard;

- (c) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the court;
- (d) The petitioner shall not do any act prejudicial to the interest of the prosecution;
- (e) The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;
- (f) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this court for cancellation of bail;
- (g) One of the sureties must be a government servant/elected people's representative of Panchayat/Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

Md.S./-

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