

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6497 of 2016

Arising Out of PS.Case No. -125 Year- 2011 Thana -MOKAMAH District- PATNA

=====

1. HIRDAY RAI @ HIRDAY YADAV son of Late Gita Yadav, Resident
of village- Mekra, Naya Tola, P.S.- Mokama, District- Patna

.... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Pushpa Sinha 2(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 07-04-2016 Heard learned counsel for the petitioner and learned APP for
the Sate.

The petitioner seeks bail in connection with Mokama P.S.
Case No. 125 of 2011 registered for the offences punishable under
Section 394 of the Indian Penal Code and Section 27 of the Arms Act
in which after investigation chargesheet was submitted under Sections
307, 115, 120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The petitioner is not named in the first information report
and his name has come in the confessional statement of co-accused.

Submission is that except confessional statement there is
nothing against the petitioner, he is in custody since 01.11.2012, he is
facing trial vide Sessions Trial No. 548 of 2014 and Chandan Kumar,
the informant, has been examined but he has not identified the
petitioner who was present in the dock and further another co-accused

Manohar Rai has already been allowed bail vide Cr. Misc. No. 17960 of 2012 by another co-ordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration to which learned APP submits that the petitioner is involved in 12 more cases.

In the facts and circumstances stated above, considering that during trial the petitioner has not been identified by the informant and further another co-accused Manohar Rai has been allowed bail, as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Barh (Patna) in S. Tr. No. 548 of 2014 arising out of Mokama P.S. Case No. 125 of 2011, 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.

avin/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--