

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22827 of 2015

Arising Out of PS.Case No. -92 Year- 1999 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Baijnath Yadav @ Baidh Nath Yadav S/o Late Indradeo Yadav resident
of Bagahwa Tar, P.S.- Dhanha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

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

ORAL ORDER

7 08-02-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Chautarwa
P.S. case No. 92/1999 registered for the offence punishable under
sections 396 of the Indian Penal Code.

The petitioner is not named in the first information
report and it is stated that he has voluntarily surrendered in the
court below in March, 2014 and has been remanded in this case on
01.06.2014 and since then he is in custody but he has not been put
on test identification parade, similarly situated accused Praduman
Yadav, Razai Mian and Wali Yadav have been allowed bail by
different Benches of this court, the petitioner also deserves
sympathetic consideration as there is no legal and cogent material
against him. The statement of Sukhal Das recorded after

inordinate delay is not reliable.

Learned A.P.P. opposes the prayer for bail by submitting that the petitioner has got criminal antecedent and he remained absconder since long and further the brother of the deceased has identified this petitioner as one of the accused during the course of dacoity.

In the facts and circumstances stated above considering the period of custody now 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 Sri P. Krishna, Judicial Magistrate, 1st class, Bagaha, West Champaran in connection with Trial No. 2502/ 2014 arising out of Chautarwa P.S. case No. 92 of 1999, subject to the conditions that one of the bailors must be 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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