

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16348 of 2016

Arising Out of PS.Case No. -244 Year- 2012 Thana -BODHGAYA District- GAYA

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1. Vijay Yadav son of Late Rambriksh Yadav, resident of village- Serajpur,
P.S. Cherki Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-05-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 08.11.2002 in a case
registered under section 302 and other minor sections of the Indian
Penal Code as well as section 3(i)(x) of the SC/ST Act.

Earlier, the prayer for bail of the petitioner as well as
co-accused Sukan Yadav was rejected by this Court vide order
dated 23.09.2013 passed in Criminal Misc. No.12643 of 2013 and
one analogous case but submission on behalf of the petitioner is
that having more or less similar allegation, co-accused Sukan
Yadav has already been granted privilege of bail by this Court
vide order dated 17.02.2016 passed in Cr. Misc. No. 23205 of
2015, which is evident from perusal of Annexure -4 to the petition.

Learned counsel for the petitioner further submits that up till now only three prosecution witnesses could be examined whereas petitioner is in jail custody since long.

No doubt, co-accused Sukan Yadav was granted privilege of bail by this Court but the aforesaid co-accused was released on bail taking note of this fact that in course of trial, the informant did not name the aforesaid co-accused. So far as petitioner is concerned, the informant in course of trial named the petitioner but informant specifically stated in her deposition that it were co-accused Lakhan Yadav, Dharmendra Yadav, Pramod Yadav and Karu Yadav who had assaulted the deceased and the injured and so far as petitioner is concerned, he was only an order giver.

Considering the aforesaid facts and circumstances as well as period of detention of the petitioner in jail custody and submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special District & Sessions Judge SC/ST, Gaya in connection with Bodh Gaya P.S.Case No. 244 of 2012, Session trial no. 121 of 2015, subject to the condition that any attempt of petitioner to tamper with the prosecution evidence shall give liberty to the trial

court to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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