

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57937 of 2015

Arising out of PS.Case No. -57 Year- 2015 Thana -BIHPUR District- BHAGALPUR

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Madan Yadav, Son of late Barun Yadav, Resident of Village and Post -
Narayanpur, Police Station - Bihpur (Bhawanipur), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-01-2016

Heard the parties.

The petitioner is in custody in connection with Bihpur
(Bhawanipur) P.S. Case No.57 of 2015 (G.R. No.207 of 2015)
for the offences punishable under sections 364 and 120(B)/34 of
the Indian Penal Code.

The FIR charges the petitioner along with other
accused of kidnapping the son of the informant while sleeping at
the doorsteps and committing his murder.

Learned counsel for the petitioner with reference to
the allegation as well as the observation of the court below has
submitted that the entire allegation is based on suspicion and
that there is no eye witness to the occurrence. Learned counsel
further with reference to the order passed by this Court in Cr.
Misc. No.34043 of 2015 and Cr. Misc. No.45075 of 2015 placed

at Annexures-2 and 3 respectively of this application submits that it is in consideration of the circumstances existing that two of the accused have been granted bail by this Court.

Having heard learned counsel for the parties and considering the circumstances taken note of hereinabove, let the petitioner, namely, Madan Yadav be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Naugachia, District- Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No.57 of 2015 (G.R. No.207 of 2015) subject to the following conditions:

- (a) One of the close relative of the petitioner would stand as a bailor and would file an affidavit as regarding his/her relationship with the petitioner as also an undertaking of informing the court below regarding change of address of the petitioner;
- (b) The petitioner would file an affidavit to accept the police papers and if he avoids to do so, the court below would be at liberty to cancel his bail bonds and to take him in custody; and
- (c) The petitioner shall ensure his representation before the court below on each and every date fixed in the

case and his failure to do so on two consecutive dates fixed without reasonable explanation to the satisfaction of the court below, would entitle the court concerned to cancel his bail bonds and to take him into custody.

(Jyoti Saran, J)

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