

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31374 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

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Jiwan Yadav, Son of Baburam Yadav, Resident of Village- Kandhwara,
P.S. Siwan Muffasil, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Javed Aslam

For the Opposite Party : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 27-07-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner wants to renew his prayer for bail which was earlier rejected by order dated 22.02.2016 passed in Cr. Misc. No. 53286 of 2015 on the ground that Rajendra Prasad Gupta has already been examined as P.W.4 in Sessions Trial No. 478 of 2015 and he has not identified the petitioner during trial, vide Annexures- 3 series. The petitioner is suffering in custody since 20.07.2015 and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that during trial Rajendra Prasad Gupta, P.W.4, has not identified the petitioner in the court.

In the facts and circumstances as stated above, the

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 of C.J.M. Siwan in Siwan Muffasil (Mahadeva) P.S. Case No. 116 of 2015/ G.R. No. 1193 of 2015, 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.

(Jitendra Mohan Sharma, J)

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