

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11561 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -DEO District- AURANGABAD

=====

1. Krishna Yadav @ Kaushal Jee son of Tulsi Yadav, resident of Village-
Dewaria, Police Station- Barachati, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Md. Ataur Rahman(App)

=====

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

3 29-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Deo P.S.
Case No. 73 of 2015 registered for the offences punishable under
Sections 147, 148, 149, 364, 307 and 302 of the Indian Penal Code
and Section 27 of the Arms Act and Section 17 of the CLA Act.

The petitioner is named in the First Information Report
as Kaushal Jee alongwith other co-accused and it is alleged that
they along with 20-25 unknown persons took away Prem Bhuiya
towards southern pahari and thereafter, his dead body was found.

Submission is of false implication and that the
petitioner has been made victim of the circumstances, there is no



specific allegation against him, there is general and omnibus allegation, no one has seen the petitioner killing the deceased and further the name of the petitioner taken by the informant and other witnesses appears not reliable. The petitioner has been made victim of police atrocity and he is suffering in custody since 16.12.2015, Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is named in the First Information Report and further during investigation the witnesses have stated the father's name of the petitioner also.

In the facts and circumstances stated above, considering that Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, 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 CJM, Aurangabad in connection with Deo P.S. Case No. 73 of 2015 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)

sushma/-

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