

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57908 of 2015

Arising Out of PS.Case No. -50 Year- 2015 Thana -KASMA District- AURANGABAD

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1. Santosh Yadav S/o Vijay Yadav Resident of Village-Apaki, P.S Kasma,
District Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-01-2016 Heard learned counsel for the parties.

The petitioner is in custody in connection with Kasma P.S.
Case No. 50 of 2015 for the offences punishable under Sections
302, 201, 120(B)/34 of the Indian Penal Code.

The F.I.R charges the accused persons of committing the
murder of the brother of the informant.

Learned counsel or the petitioner has submitted that the
petitioner is not named in the F.I.R. rather his name has transpired
during the investigation on the basis of statement made by the
father of the informant. He further submits that though the F.I.R is
instituted by the brother of the deceased and the informant is the
brother of the deceased yet the petitioner is not named. He further
submits that the other basis for roping of the petitioner is the
confessional statement of Vijay Yadav who though carrying the

same name as the deceased happens to be the father of the petitioner. With reference to Annexure-2 he submits that the father of the petitioner Vijay Yadav has been granted bail by this Court in Cr.Misc.No.46560 of 2015.

Having heard learned counsel for the parties and considering the circumstances discussed hereinabove, let the petitioner namely, Santosh Yadav be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Aurangabad in connection with Kasma P.S. Case No.50 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 the bail bonds of the petitioner.
- (c) The petitioner shall ensure his representation before the Court below on each and every date fixed in the case and failure on the part of the petitioner to ensure his

representation on two consecutive dates fixed without reasonable explanation to the satisfaction of the Court below, would entitle the Court concerned to cancel the bail bonds of the petitioner and to take him into custody.

(Jyoti Saran, J)

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