

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50888 of 2016

Arising Out of PS.Case No. -93 Year- 2003 Thana -PANDARAK District- PATNA

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1. Karu Yadav age about 65 years, son of Late Baleshwer Yadav, Resident of Village- Bhuapur, P.O.+P.S.- Pandarak, District- Patna.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 28-11-2016

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

The petitioner is languishing in custody since 11.07.2016 in a case registered for the offences punishable under Sections 147, 148, 149, 302 and 364 (A) of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case is that the petitioners and other co-accused named in the F.I.R. had indulged indiscriminate firings causing the death of his son.

Learned counsel for the petitioner submits that petitioner has no criminal history and that the post mortem report reveals only two injuries whereas the allegation is upon eight persons, hence, it is not specific as to who had caused the aforesaid injuries to the informant's son. He submits that there is only omnibus allegation against the petitioner and other co-accused have since been granted the privilege of bail by a Co-ordinate

Bench of this Court in Cr. Misc. No. 6949 of 2012 dated 28.-3-2012 and Cr. Misc. No. 34054/2012 on 11.12.2012 as well as Cr. Misc. No. 24010 of 2013 dated 14.08.2013. He submits that charge sheet has already been submitted against him, hence, there is no chance of tampering with the witnesses.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail

Be that as it may, since other co-accused have been granted the privilege of bail and charge sheet has already been submitted against him, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Additional Chief Judicial Magistrate, Barh in connection with Pandarak P.S.Case No. 93 of 2003.

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

(Nilu Agrawal, J)

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