

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2615 of 2015

Arising Out of PS.Case No. -8 Year- 2014 Thana -BASNAHI District- SAHARSA

=====

Genu Yadav, Son of Late Maheshwari Yadav, Resident of Village - Atalakha, P.S. - Basnahi, District - Saharsa (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjan Kumar, Advcate.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in Basnahi P.S.Case No. 08 of 2014 dated 07.02.2014 instituted under Sections 302, 323, 325, 341, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt of the petitioner for bail as earlier such prayer was rejected by order dated 25.09.2014 passed in Cr. Misc. No. 28711 of 2014.

Learned counsel for the petitioner submits that the sole ground on which the prayer for bail was rejected was that the entire criminal antecedent of the petitioner was not mentioned in paragraph no. 3 of the main application. Thus, it is submitted that the Court had



not considered the case on merits and similarly situated co-accused persons, namely, Anoj Yadav and Nityanand Yadav were granted bail on 16.09.2014 in Cr. Misc. No. 27685 of 2014 and Cr. Misc. No. 28062 of 2014 respectively. Learned counsel submits that the allegation against the petitioner is of having said that “this was the right moment to kill the deceased”, but no overt act has been assigned to him. It is submitted that the petitioner is in custody since 07.03.2014.

Learned A.P.P. and learned counsel for the informant opposed the prayer for bail and submit that the petitioner, having raised voice to eliminate the deceased, was equally responsible for the crime and thus, should not be released on bail.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge- 1st, Saharsa in connection with Sessions Trial No. 2375 of 2014 arising out of Basnahi P.S.Case No. 8 of 2014, subject to the condition that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal

activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date.Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

U			
---	--	--	--