

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40406 of 2016

Arising Out of PS.Case No. -10 Year- 2003 Thana -FATEHPUR District- GAYA

1. Petar Yadav son of Late Sohar Yadav, resident of Village- Akalbigha,
P.S. Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 19.11.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302
and other minors sections of the Indian Penal Code and 27 of the
Arms Act.

Present occurrence appears to have taken place in the year
2003 and the petitioner could be arrested by the police on 2.7.2016 i.e.
after 13 years of the occurrence.

The accusation against the petitioner is that the petitioner is
said to be order giver and so far as assailant is concerned, same is
other accused.

Submission on behalf of the petitioner is that the petitioner
had gone outside the State and in the meantime, police submitted
charge sheet against the petitioner and others some times in the year
2006. It is further submitted that some co- accused, having more or

less similar allegation, have already been granted privilege of bail and only fault of the petitioner is that he could be remanded in this case after 13 years of the occurrence but petitioner has sufficiently been punished for the aforesaid occurrence by remaining in jail custody since 2.7.2016. It is further submitted that the petitioner is ready to give any security as fixed by this court.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that the petitioner does not have any criminal antecedent, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge VIII, Gaya in Sessions Trial no. 153 of 2015/ 437 of 2015 arising out of Fatehpur P.S. Case no. 10/2003 subject to the conditions that one of the sureties shall be his close relative who shall swear an affidavit to this effect as to how he is related with the petitioner and holder of the landed property. Furthermore, petitioner shall attend the learned trial court in person on each and every date for the period of one year or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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