

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5946 of 2016

Arising Out of PS.Case No. -132 Year- 2005 Thana -ALOULI District- KHAGARIA

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Arjun Yadav S/o late Hari lal Yadav Resident of Village Bhikhari Ghat,
P.S. Allouli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with S.T. No. 54 of 2015 arising out of Allouli P.S. Case No. 132 of 2005 registered for the offences punishable under Sections 394 and 302/34 of the Indian Penal Code.

The First Information Report is against un-known but during investigation, it transpired that the petitioner, co-accused Rajdeep Yadav and Pramod Yadav shot Kaushal Kumar who was driving tractor, loaded with potato and fertilizer and accordingly, chargesheet was submitted against him showing absconder.

Submission is of false implication and that other co-accused Pramod Yadav and Rajdeep Yadav have been allowed bail and as the petitioner was not knowing regarding this case and,

as such, he did not appear earlier and he has been apprehended on 15.5.2014 and since then he is in custody, now by remaining in custody, he has been sufficiently penalized to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that two co-accused, similarly situated, have already been allowed bail and now the petitioner by remaining in custody has been sufficiently penalized and, as such, he 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 Addl. District & Sessions Judge-II, Khagaria in connection with S.T. No. 54 of 2015 arising out of Allouli P.S. Case No. 132 of 2005 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)

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