

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56451 of 2015

Arising Out of PS.Case No. -60 Year- 2001 Thana -MAHISI District- SAHARSA

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Krityanand Yadav @ Krit Narain Yadav, Son of Late Ramdeo Yadav,
Resident of Vilage- Sukhasani, P.s.- Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Ms. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 17-02-2016

Heard learned counsel for the parties.

In this case, the petitioner is seeking bail in connection with Mahisi Case No. 60 of 2001 for offence under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation made in the First Information Report, the accused persons wanted to harvest the Khar which was objected. Later on, the accused persons have entered into the field and resorted to indiscriminate firing, whereupon, the victim was died.

Learned counsel for the petitioner submits that the name of the petitioner is not in the First Information Report. Paragraph nos. 17, 19, 20, 22, 23 & 38 of the Case Diary, which



have also been mentioned in the order of the Sessions Judge, does not disclose that the petitioner was engaged in indiscriminate firing and so much so that there is omnibus allegation having no connection with the petitioner.

Learned counsel for the petitioner submits that in a similar case, the co-accused, namely, Parmanand Yadav has been granted bail by order dated 9.7.2012 in Cr. Misc. No. 39291 of 2011. Other accused person, namely, Jay Jay Ram Yadav has also been released on bail by order dated 16.2.2010 in Cr. Misc. No. 4331 of 2010 with certain conditions.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Krityanand Yadav @ Krit Narain Yadav be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Saharsa in connection with Mahishi P.S. Case No. 60 of 2001, subject to the similar conditions as was leveled in the case of co-accused Jay Jay Ram Yadav, which reads as follows:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner,
- (ii) That the affidavit shall clearly state that the petitioner is not

an accused in any other case and if he is he shall not be released on bail and

- (iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(Shivaji Pandey, J)

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