

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.2521 of 2017**

Arising Out of PS.Case No. -131 Year- 2012 Thana -HALSI District- LAKHISARAI

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1. Arjun Yadav Son of Budhu Yadav Resident of Village - Dhira, P.S. -  
Halsi, District - Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ambika Bhagat, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      25-07-2017      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is languishing in jail since 04.02.2013  
in a case registered for the offences punishable under Sections  
302/34 of the Indian Penal Code as well as Section 27 Arms Act.

The prosecution case as lodged by the informant is  
that while his brother and father were sitting out side the house  
and he was taking meal in his house, all the named accused  
persons variously armed with country made pistols took the  
informant's brother from the house and killed him.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, bears no criminal history and he had  
earlier moved twice for grant of bail which was rejected in Cr.



Misc. No. 15996 of 2013 on 07.10.2013 and in Cr. Misc. No. 35397 of 2014 on 27.08.2015 by a Co-ordinate Bench of this Court with a direction that prosecution witnesses be examined and trial be concluded within a period of nine months from the date of the order dated 27.08.2015. It is submitted that general and omnibus allegations have been leveled against all ten accused persons including the petitioner, hence he submits that he may be enlarged on bail considering the period of custody.

A report was called for from the learned Additional District and Sessions Judge, Lakhisarai which has been received vide letter No. 606 of 2017 dated 14.07. 2017 that the trial is likely to be concluded within next six months.

However learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that petitioner along with nine others have killed the brother of the informant and the informant is eye witness.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- ( Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- 2<sup>nd</sup> , Lakhisarai in connection with Sessions Trial No. 723 of 2013



arising out of Halsi P.S.Case No. 131 of 2012 after six months  
from 25.07.2017, subject to the condition that one of the bailors  
would be a close relative of the petitioner.

**(Nilu Agrawal, J)**

Sudha/-

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