

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17903 of 2017

Arising Out of PS.Case No. -18 Year- 2010 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Surendra Yadav @ Suredar Yadav Sono f Late Sipahi Yadav, Resident of
Village-Rampur Tengrahi, Tola-Dharampur, Police Station-Jadopur,
District-Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34, 120(B) of the Indian Penal Code and Section 27
of the Arms Act.

Allegation against the petitioner is that he along
with other accused persons having armed with sophisticated
weapons, got down from the Jeep and on exhortation of
Shailendra Kumar Mishra started firing with their respect
weapons, which caused fatal injury to Brajesh Rai and Ashok Rai.
The informant brought them at Gopalganj Hospital for treatment,
where the doctor declared them dead.

Earlier the bail application of the petitioner was



rejected vide Annexure-1 to the present application taking into account that the case relates to double murder. The other co-accused namely Birendra Yadav has already been convicted in the present case and his criminal appeal (D.B.) No. 945 of 2015 is pending in the High Court, where the prayer of bail of the said appellant has been rejected by the High Court. Due to long absence of this petitioner, the trial of this petitioner could not be concluded.

The present application for provisional bail has been filed on behalf of the petitioner on the ground of marriage of his daughter. It has further been submitted that the marriage is said to be solemnized on 31.05.2017. It is further submitted that the petitioner may be granted provisional bail from 30.05.2017 to 02.06.2017 in police custody. Whatever the expenses for deployment of the police with the petitioner, will incur, will be beared by the petitioner.

Considering the aforesaid facts and circumstances, the petitioner is directed to be released on provisional bail from 30.05.2017 to 02.06.2017, in connection with S. Tr. No. 738 of 2016, arising out of Gopalganj P.S. Case No. 18 of 2010, pending in the court of learned Additional Sessions Judge-VIII, Gopalganj.



Whatever the expenses which will incur for the deployment of police with the petitioner during the provisional bail shall be deposited by 25.05.2017 before the court below, so that the said amount could be transferred in the government treasury. Further the petitioner must surrender in the court below on 03.06.2017 in the police custody.

With the aforesaid direction and observation, the present application is disposed of.

(Sudhir Singh, J)

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