

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28471 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -MADANPURA District- AURANGABAD

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1. Abhay Yadav S/o Kuldeep Yadav, R/o Village-Ban Manjhauri, P.S. Dhibra, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 16.03.2017 in connection with Madanpur P.S. Case No. 05/16 for offences punishable under Sections 364, 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her husband was taken away from the house by two persons and she got information that her husband has been killed by fire-arm. On reaching the place, she found her husband dead and a purcha was lying there, which was of Maovadis.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been made accused only on



the basis of suspicion. He submits that there is no eye-witness to the alleged occurrence and just because he has a criminal antecedent, he has been made accused in the present case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as 14 cases, some of similar nature, are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 05/16, subject to the conditions that :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (iv) Petitioner will appear before the concerned police station in the first week of every month for a year after his release and would only be given leave after a certificate of his good conduct is given by the Superintendent of Police of the district concerned.

(Nilu Agrawal, J)

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