

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59970 of 2017

Arising Out of PS.Case No. -166 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Hare Ram Yadav Son of Late Sawal Yadav, Resident of Village- Habib Nagar, P.S.- Hussainganj, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prashant Kumar
Mr. Animesh Kumar, Advocates

For the Opposite Party : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 11.10.2017 in connection with Hussainganj P.S. Case No. 166 of 2017 for the offences alleged under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated due to village politics as he is the Mukhiya of the Gram Panchayat. It transpires that even though the petitioner along with Timal Sah have specifically been named in the fardbeyan as having issued threats to the informant's son in the past, the informant has not identified the petitioner as one of the persons fleeing away from the place of occurrence and he has identified only co-accused Badku Mian. It is therefore evident that the petitioner was not present at the spot at the time of occurrence. There is also no allegation of firing by the petitioner in the fardbeyan. The petitioner claims clean antecedents except Hussainganj P.S. Case No. 150 of 2001 in which he is already on bail.

4. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Hussainganj P.S. Case No. 166 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

(Vikash Jain, J)

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