

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15225 of 2017

Arising Out of PS.Case No. -135 Year- 2006 Thana -BARACHATTI District- GAYA

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Birendra Yadav Son of Vishnu Yadav Resident of Village- Manjhauri, P.S.
Mohanpur, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-03-2017 Heard the parties.

This application is for grant of bail in connection with Barachatti (Mohanpur)P.S.Case No.135 of 2006 for the offence under Sections 147, 148,149, 353, 307 and 121 of the Indian Penal Code and Section 25(1-b)A, 25(1A), 25IAA, 26(ii) and 27/35 of the Arms Act and Section 34 of Explosive Substance Act.

It is submitted on behalf of the petitioner that there is no allegation against him and he is in custody since long in this case and after lodging of this case, one case has been lodged against the petitioner. Further submission of the learned counsel for the petitioner is that several other persons, having similar allegation, have been granted bail by this Hon'ble Court, vide order dated 26.09.2008 passed in Cr. Misc. No.29984 of 2008 with Cr. Misc.



No.32184 of 2008, order dated 25.07.2013 passed in Cr. Misc. No.42129 of 2012 and order dated 20.03.2014 passed in Cr. Misc. No.36398 of 2013.

Heard learned A.P.P. also, who has opposed the prayer for bail, stating that the allegation in the F.I.R. is serious, though no specific allegation has been levelled against the petitioner and furthermore, the present case is of the year, 2006 but after ten years, the petitioner has surrendered, as such he does not deserved bail.

Having heard both sides and in view of conduct of the petitioner that he has surrendered in this case after a long gap, I am not inclined to grant bail to the petitioner at this stage, however, the petitioner may renew his prayer for bail before the court concerned itself after framing of the charge in this case, which will be considered by the learned court before considering the fact that other co-accused have been granted bail.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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