

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23327 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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1. Kamal Yadav @ Kamal Kishore Yadav, Son of Late Ram Swaroop Yadav, Resident of Mohalla- Ghoshi Tola, P.S. Kasim Bazar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar- 1, A.P.P.-6

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-07-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 24.11.2016 in a case registered for the offences punishable under Sections 302/34, 120 (B) of the Indian Penal Code and Section 27 of the Arms ct.

The prosecution case as lodged by the informant is that while he along with her son and three friends arrived at Bijay Talkies campus at the hotel, the petitioner and another co-accused, Shambhu Yadav telephonically messaged someone to come at hotel and thereafter fifteen co-accused arrived there armed with weapons on ten motorcycles and started firing upon which the son of the informant Suraj sah @ Jharkahwa succumbed to the



injuries.

It has been submitted by the learned counsel for the petitioner that no overt act has been committed by him and there is no allegation of any assault by the petitioner. It has further been submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that on a similar allegations, another co-accused Shambhu Yadav has been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 22517 of 2017 on 11.05.2017. He further submits that just because he was present in the hotel, he has been made accused.

Learned counsel for the informant, however, submits that the petitioner and other co-accused are veteran criminals and have killed the informant's son, hence, vehemently opposes the prayer for bail.

Learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record and other co-accused on similar allegation has been granted the privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger



in connection with Kasim Bazar P.S.Case No. 153 of 2016,
subject to the following conditions :-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail bonds.

(Nilu Agrawal, J)

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