

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12052 of 2017

Arising Out of PS.Case No. -321 Year- 2016 Thana -KADWA District- KATIHAR

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1. Kishan Yadav, son of Manoj Yadav @ Munna Yadav, Resident of Mohalla- Nayatola, P.S.- Nagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar – 1(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Kadwa P.S Case No. 321 of 2016 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 37(a) of Bihar Excise Act.

It is has been submitted on behalf of the petitioner that though petitioner has been named in the F.I.R. but from perusal of the F.I.R. itself it will appear that he has not been apprehended on the spot, he has been arrested in this case after one day, however nothing has been recovered from the possession of the petitioner and petitioner has clean antecedent and he is in custody since 28.12.2016, similarly situated co-accused Anil



Kumar Thakur has been allowed bail vide Cr. Misc. No. 10266 of 2017 by another co-ordinate bench of this Court and, as such, he deserves sympathetic consideration.

The learned A.P.P. submits that petitioner is named in the F.I.R.

In the facts and circumstances stated above, the petitioner is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Katihar, in connection with Kadwa P.S. Case No. 321 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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