

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52034 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -KIHIRI MORE District- PATNA

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1. Bidya Yadav Son of Late Rama Yadav, Resident of Village- Anchal Tola, P.S.- Khiri More, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s: Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 10.09.2015 in connection with Khiri More P.S.Case No. 48 of 2015 registered for offences punishable under Sections 302/34 of the Indian Penal Code. Earlier the petitioner had moved the bail application, which was rejected on 26.05.2016 in Cr. Misc. No. 15967 of 2016

The prosecution case as lodged on the basis of written report by the informant, Sunita Devi before the S.H.O., Khiri More Police Station, Patna is that on 27.07.2015 accused persons including the petitioner came variously armed with deadly weapons and assaulted the deceased, Baban Yadav with pistol by which Baban Yadav (deceased) died.



A report was called for by earlier order, as to the stage of the trial, by which the learned Additional Sessions Judge-II, Danapur has already been received by letter No. 480 dated 07.01.2017 stating therein that the other accused Bidya Yadav has been granted the privilege of bail and in spite of summons being issued, he has not appeared before the court and many dates have been fixed for his appearance.

Learned counsel for the petitioner submits that apart from the family members, none of the witnesses have supported the prosecution case and that the petitioner has no criminal history, as is evident from para-3 of this application. He further submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that the statement of the informant under Section 164 of the Cr. P .C. , and also minor son of the deceased, are in contradiction and the statement under Section 164 of the Cr. P. C. has been taken after four months of the alleged date of occurrence, i.e. on 02.11.2015.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and the report submitted by Additional sessions Judge-II, Danapur, let the petitioner, above named, be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Randhir Kumar, learned Judicial Magistrate, 1st Class, Danapur in connection with Khiri More P. S. Case No. 48 of 2015, subject to the condition that the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and that one of the bailor shall be a close relative and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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