

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33277 of 2017

Arising Out of PS.Case No. -1163 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Shyam Yadav @ Sham Yadav, S/o Gulshan Yadav @ Gulasn Yadav,
resident of Village Bhairob igha, P.S. Sare, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmveer Paswan, Son of Siyasharan Paswan, resident of Village
Bhairobigha, P.S. Sare District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-08-2017 The petitioner seeks regular bail in connection with

Complaint Case No. 1163C of 2013, registered for offences

punishable under Section 304 of the Indian Penal Code.

Allegation against the petitioner is of causing death of the

deceased.

It has been submitted on behalf of the petitioner that he

has falsely been implicated in this case and died in a truck

accident. Further for the same occurrence a case was also lodged

in the district of Siwan being Copa P.S. Case No. 18/2010 against

other person under Section 302/34 Indian Penal Code and,

thereafter, a complaint petition has been lodged by the

complainant naming this petitioner under the above mentioned



section of Indian Penal Code as well as under SC/ST Act, however, police after investigation submitted final form not finding the case true and Magistrate has also taken cognizance against the petitioner only under Section 364 Indian Penal Code. Petitioner has clean antecedent and has been in judicial custody for last three months.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that petitioner's name transpired on this case only on the basis of confessional statement of co-accused and except that there is nothing against the petitioner, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM –II, Biharsharif, in connection with Complaint Case No. 1163C of 2013, 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 reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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