

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.972 of 2017

Arising Out of PS.Case No. -814 Year- 2004 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Baban Yadav, Son of Suryanath Yadav, resident of Village- Kapoor
Dihari, Police Station- Tarari in the district of Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Deoki Singh, Son of Late Hari Govind Singh, resident of Village-
Kapoor Dihari, Police Station- Tarari in the District of Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr.Advocate
with Ms.Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-02-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 814C of 2004 for the offences
punishable under Sections 364, 302, 218 and 120B of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that
though there is allegation under Sections 364, 302 and 120B of the
Indian Penal Code but in this case earlier another co-accused
Subodh Kumar Thakur moved before this Court under Section 482
Cr.P.C. and thereafter a direction was issued to the Zonal I.G. of
Police to make an enquiry and take a decision regarding the fact
whether the petitioner of that case acted in discharge of his official
duty and the prosecution case also shows that allegation against
the petitioner is that he along with Subodh Kumar Thakur have
come and on petitioner's instigation Subodh Kumar Thakur fired,
killing the deceased. However, materials available on record of
this application show a completely different story and it appears



that the petitioner has falsely been implicated in this case.

Heard learned APP also.

Having heard both sides and considering the facts and circumstances of the case as well as report of I.G. and other material, let the petitioner, Baban Yadav, in the event of his arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with Complaint Case No. 814C of 2004, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned and further the petitioner will co-operate in the trial and make himself available before the court, as and when required, and in the event of failure on his part to appear before the court on two consecutive dates, except showing some genuine ground, his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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