IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17699 of 2017

Arising Out of PS.Case No. -50 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

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Kamlesh Yadav, S/o Kail Yadav, R/o Village- Parrahi, P.S.- Rafiganj, District- Aurangabad (Bihari)

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-04-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Rafiganj P.S.Case No. 50 of 2014, corresponding to Sessions Trial No. 117/17/21/17, registered for the offences punishable under Sections 307 of the Indian Penal Code and 4/5 of E.S. Act, 150/152 of Indian Railway Act and 17 of CLA Act. Petitioner is named in the FIR.

It has been submitted on behalf of the petitioner that except he was seen at the place of occurrence there is nothing against the petitioner and co-accused having similar allegation have been granted bail by this Court in Cr.Misc.No. 2445 of 2016 and Cr.Misc.No. 54532 of 2016, vide orders dated 27.9.2016 and 23.12.2016 respectively and petitioner is in custody since 19.9.2016.

Heard learned APP also, who has admitted that co-accused having similar allegation have been granted bail.

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Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge-III, Aurangabad, in connection with Sessions Trial No. 117/17/21/17, arising out of Rafiganj P.S.Case No. 50 of 2014, subject to the conditions that :-

(i) Bailors should be close relatives of the petitioner having sufficient immovable properties 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.

(Vinod Kumar Sinha, J)

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