

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31020 of 2017

Arising Out of PS.Case No. -133 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Rahul Yadav, Son of Late Raj Kishore Yadav, resident of Village- Loper,
P.S.- Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-07-2017 This application is for grant of regular bail in connection with Mairwa P.S. Case No. 133 of 2015 registered for the offence(s) under section(s) 328, 307/34 of the Indian Penal Code.

Allegation against the petitioner, as per the FIR, is that the petitioner along with other accused persons spread some intoxicant liquid on the face of the informant and the deceased and after a day the deceased succumbed to injury

Submission of the learned counsel for the petitioner is that with reference to the same occurrence, two cases have been lodged, one is Mairwa P.S. Case No. 132 of 2015, which has been lodged under sections 328 and 302 IPC and another is Mairwa P.S. Case No. 133 of 2015, which has been filed under sections 328,



307/34 of the Indian Penal Code and in the present case co-accused against whom there is similar allegation, has already been granted bail by this Court in Criminal Misc. No. 26848 of 2017, vide order dated 10.07.2017 and the case of the petitioner is similar.

Heard learned Additional Public Prosecutor also. Learned Additional Public Prosecutor opposes the prayer of bail.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VIII, Siwan in connection with Mairwa P.S. Case No. 133 of 2015, 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 rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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