IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35660 of 2017

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1. Vikram Yadav Son of Anil Yadav, R/o Village- Sidhighat, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-08-2017 The petitioner is in custody since 22.05.2017 in connection with Sultanganj P.S. Case No. 79 of 2017, registered for offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and other co-accused persons is of firing causing death of the deceased.

It has been submitted on behalf of the petitioner that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, there is general and omnibus allegation against the petitioner and no specific overt act is attributed to him rather the main allegation of firing on the deceased is against Bitta Yadav and Budha Yadav. Moreover, co-accused, Dholak yadav, having more of less similar allegations, has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.07.20147 in Cr. Misc. No. 27568 of 2017 and the petitioner has been rotting in custody for about two and half months.

Heard learned A.P.P. also.

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Having heard both the sides, considering the facts and circumstances of the case, as stated above, and in view of the fact that co-accused having more or less similar allegation has already been granted bail, 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 Additional Chief Judicial Magistrate-V, Bhagalpur in connection with Sultanganj P.S. Case No. 79 of 2017, with 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 will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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