

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58797 of 2017

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1. Sanjay Yadav Son of Kanthi Yadav @ Kanthi Darve Resident of Village
- Bhanra, Police Station - Chandan, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Deo

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 06.01.2017 in
connection with Katoriya P.S. Case No. 298 of 2016 for the
offence registered under Sections 307, 302 and 201/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that in the
present case which relates to heinous crime, the petitioner was not
named in the first information report nor was he prosecuted, but
subsequently, on interrogation of one co-accused, Kundan Jha was
arrested, who in his confessional statement has named the present
petitioner to have participated in the said occurrence. It is further
submitted that no specific role has been assigned to the present
petitioner and only on the basis of the confessional



statement made before the police by the co-accused, the present petitioner is facing prosecution and is languishing in jail for eleven (11) months.

Considering the aforesaid facts and circumstances of the case and that the petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate –I, Banka in connection with Katoriya P.S. Case No. 298 of 2016, subject to the following conditions:-

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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