

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1009 of 2017**

Arising Out of PS.Case No. -83 Year- 2014 Thana -ARER District- MADHUBANI

=====

1. Raman Kumar Yadav @ Raman Yadav, Son of Late Ram Bahadur Yadav, Resident of village - Jhojhi, Police Station Arer, District - Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      18-01-2017      Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Arer P.S. Case No. 83/2014, corresponding to S.Tr. No. 140/2015, registered for the offences punishable under Sections 394, 302 and 34 of the Indian Penal Code.

The petitioner wants to renew his prayer of bail which was earlier twice rejected by order dated 24.06.2015 and 22.01.2016 passed in Cr. Misc. No. 10594/2015 and Cr. Misc. No. 54236/2015 respectively on the ground that the petitioner is suffering in custody since 18.09.2014 and uptill now no prosecution witness been examined and in near future the trial is not likely to be concluded, whereas other co-accused, namely Chhotan Sahni has been allowed



bail vide order dated 06.02.2015 passed in Cr. Misc. No. 5193/2015 and as such the petitioner also deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the name of the petitioner was taken by the deceased which is evident from the fardbeyan itself and as such oral dying declaration cannot be brushed aside so lightly.

In the facts and circumstances stated above and considering that in near future the trial is not likely to be concluded and there is no chance of tampering with prosecution evidence and as such considering the custody of the petitioner, now the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Madhubani in connection with Arer P.S. Case No. 83/2014, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

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