

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2162 of 2017

Arising Out of PS.Case No. -17 Year- 2002 Thana -KHAIRA District- JAMUI

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D. P. Yadav @ Devendra Yadav Son of Late Sukhdeo Yadav resident of
Village Darima, P.S. - Khaira, District - Jamui..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Umesh Prasad

For the Opposite Party/s : Mr. Sri Anish Chandra

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

ORAL ORDER

2 30-01-2017 Heard learned Senior Counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks bail in connection with Khaira P.S. Case
No. 17 of 2002 registered for the offences punishable under Sections
364, 302, 120(B) of the Indian Penal Code.

The petitioner wants to renew his prayer of bail, which was
earlier rejected vide order dated 05.10.2016 passed in Cr. Misc. No.
44249 of 2016, on the ground that the petitioner is suffering in custody
since 28.07.2016, the petitioner is named in the first information report
along with other co-accused but after completing investigation against
the petitioner and some others chargesheet was not submitted and only
against five accused persons chargesheet was submitted which is
evident from case diary vide paragraph 53 dated 31.05.2011, in this
case two co-accused Karu Yadav and Sato Yadav have faced trial vide
Sessions Trial No. 127 of 2009 and they have been acquitted vide



judgment dated 24.01.2011 but the petitioner is suffering in custody as against him cognizance has been taken after differing with the opinion of the investigation officer though against the petitioner there is no specific allegation. Similarly situated co-accused Ramotar Yadav has been allowed bail vide order dated 28.03.2016 passed in Cr. Misc. No. 4267 of 2016.

Learned APP submits that the witnesses have supported the prosecution case in its entirety.

In the facts and circumstances stated above, considering that similarly situated co-accused Ramotar Yadav has been allowed bail, 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 Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 17 of 2002, subject to the conditions that one of the bailors must be a 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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