

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25791 of 2018

Arising Out of PS. Case No.-106 Year-2016 Thana- CHIKSAUR District- Nalanda

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Srikant Yadav @ Srikant Prasad, Son of Raja Yadav, Resident of Village- Naugarh, P.S.- Hilsa, District- Nalanda, presently Resident of Village- Gulni Bhokila, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

Petitioner had earlier moved for bail which was rejected vide order dated 20.06.2017 passed in Cr. Misc. No. 18354 of 2017. Petitioner is languishing in judicial custody since 25.10.2016 in connection with Chiksaur P.S. Case No. 106 of 2016 registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while her husband had gone to depose as a witness in a case in the Civil Court, the petitioner along with five others on the way assaulted him with iron rod and lathi. She was informed about the said occurrence and admitted her husband in the



hospital where he regained consciousness and disclosed the entire story but during the course of treatment, he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, general and omnibus allegation has been levelled against all the six accused persons including the petitioner and it is not evident as to on whose injury the informant's husband succumbed. He submits that one of the co-accused Lalit Prasad alias Lalit Yadav has since been granted the privilege of bail by a co-ordinate Bench of this Court on similar allegations vide order dated 06.04.2018 passed in Cr. Misc. No. 12885 of 2018. He undertakes to cooperate in the trial and not to tamper with the prosecution witnesses.

However, learned counsel for the informant as well as learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner along with other co accused has done to death the informant's husband and the trial is at the stage of conclusion.

However, considering the facts and circumstances and the materials on record, since one of the co-accused has been granted the privilege of bail on similar allegations, let the petitioner, named above, be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, District - Nalanda in connection with Chiksaur P.S. Case No. 106 of 2016, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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