

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25592 of 2018

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

Sudhir Yadav @ Sudhir Prasad @ Sudhir Kumar Son of Raja Yadav, Resident of Village-Naugarh, P.S.-Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-05-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in connection with Sessions Trial No. 182 of 2017, arising out of Chikhsaur P.S. Case No. 106 of 2016 dated 21.10.2016 instituted for the offence under Sections 147, 148, 149 and 302 of the Indian Penal Code.

The petitioner and one Lalit Prasad @ Lalit Yadav are said to have exhorted the other accused persons to kill the deceased whereupon the deceased was killed.

Learned counsel for the petitioner has submitted that the only allegation against the petitioner is of giving orders for killing the deceased and he has not been attributed with any overt act of assaulting the



deceased or any other person. It has further been submitted that the informant is not an eye witness to the occurrence and that in the trial, the witnesses who have been examined, have not spoken anything except the petitioner being an order giver. Lastly, it has been submitted that co-accused person having similar allegation against him viz. of exhorting to kill has been granted bail by a Bench of this Court on 06.04.2018 passed in Cr. Misc. No. 12885 of 2018.

The petitioner is in custody since 02.11.2016.

Considering the aforesaid facts, the prayer for bail of the petitioner is allowed.

The petitioner above named is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Hilsa (Nalanda) in connection with Sessions Trial No. 182 of 2017, arising out of Chiksaur P.S. Case No. 106 of 2016 subject to the conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the



Court if there is any change in the address
of the petitioner.

(ii) That the petitioner will be well
represented on each date and if he fails to
do so on two consecutive dates, his bail
will be liable to be cancelled.

(Ashutosh Kumar, J)

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