

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1269 of 2018

Arising Out of PS.Case No. -358 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Bhikhari Yadav, son of Sri Bhola Yadav, resident of Village- Parvatiya Tola, P.S. Bettiah Muffasil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 04.09.2017 in connection with Bettiah Muffasil P.S. Case No. 358 of 2017 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that a noted criminal Sikandar Yadav is moving in an unnumbered Safari along with others, the police reached the place, who fired on the police party. While running away the petitioner along with co-accused Sikandar



Yadav and Sanjeev Gupta were identified and four other persons were also identified, but not named in the First Information Report.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed and no case under Section 307 or 353 of the I.P.C. is made out against him. He submits that charge-sheet has already been submitted and co-accused Sikandar Yadav has already been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 61845 of 2017 on 11.01.2018 and another named co-accused has also been granted privilege of bail in Cr. Misc. No. 1450 of 2018 on 18.01.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is accused in two more cases of serious nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Bettiah Muffasil P.S. Case No. 358 of 2017,



subject to the conditions that:

- (1) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (2) The petitioner will not induce any witness or tamper with the evidence.
- (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.
- (4) The petitioner will appear before the local police station of his area in the first week of each month for a period of one year so that the police may watch his conduct, otherwise his bail bond shall be cancelled.

(Nilu Agrawal, J)

Rajesh/-

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