

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12061 of 2018

Arising Out of PS.Case No. -198 Year- 2015 Thana -MANSI District- KHAGARIA

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Malik Yadav S/o Bucchi Yadav, R/o Village- Thatha, P.S.- Mansi, District-
Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 08.08.2017
passed in Cr. Misc. No. 28138 of 2017.

Petitioner is languishing in judicial custody since
22.12.2015 in connection with Session Case No. 242 of 2016
arising out of Mansi P.S. Case No. 198 of 2015 for offences
punishable under Sections 147, 148, 149, 341, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother Manoj Yadav, (deceased) were



returning after cutting grass, the petitioner along with four other persons fired on the informant's brother Manoj Yadav as a result he succumbed to the injury. Allegation upon the petitioner and two other co-accused is of firing on the head and while other two co-accused persons fired on the chest.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case rather the deceased was a veteran criminal and because the petitioner was witness in a case lodged against the deceased, the petitioner has been falsely implicated. He submits that two of the co-accused have been granted the privilege of bail by this Court in Cr. Misc. No. 30067 of 2017 vide order dated 16.08.2017 and Cr. Misc. No. 29338 of 2016 vide order dated 02.09.2016 who had fired on the chest of the deceased. He undertakes to cooperate in the trial, appear on day to day basis and submits that he is languishing in judicial custody since more than two years.

However, learned APP for the State opposes the prayer for bail.

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 Additional Sessions Judge, 1st Khagaria in connection with Session Case No. 242 of 2016 arising out of Mansi P.S. Case No. 198 of 2015, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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