

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11571 of 2018

Arising Out of PS. Case No.-47 Year-2014 Thana- SAUR BAZAR District- Saharsa

Arvind Yadav @ Bauwa Yadav @ Bauwa, son of Bhumi Yadav, Resident of
Village- Arraha, Police Station- Sour Bazar, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party : Mr. Pranav Kumar (APP)

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

ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier thrice rejected vide order dated 22.04.2016 , 11.01.2017 and 04.10.2017 passed in Cr. Misc. 8942 of 2016, Cr. Misc. No. 53834 of 2016 and Cr. Misc. No. 45781 of 2017 respectively, on the ground that the petitioner is in custody since 11.11.2014 without any tangible material, there is no witness of actual killing and during investigation it has come that the petitioner was not the assailant. Co-accused Amit Yadav @ Amit Kumar Yadav against whom during investigation it has come that he was the assailant has also been allowed bail vide Cr. Misc. No. 32854 of 2015 vide order dated 17.08.2015 by another co-ordinate bench of this Court, vide Annexure- 5



series, only one firearm injury has been found on the person of the deceased and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that co-accused Amit Yadav @ Amit Kumar Yadav has been allowed bail and trial has not been concluded within four months as directed by this Court.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the Sri C.M. Jha, learned Additional District and Sessions Judge -II, Saharsa, in connection with Sessions Trial No. 122 of 2014, 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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