

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65897 of 2018

Arising Out of PS. Case No.-183 Year-2016 Thana- BARHARA KOTHI District- Purnia

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1. Rekha Devi, W/o Shambhu Yadav,
 2. Sarvesh Yadav @ Sarvesh Kumar Yadav, S/o Shambhu Yadav,
Both resident of Village- Harirahi, P.S.- Barhara, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2018 Heard the parties.

The petitioners seek regular bail in connection with Barhara P.S.Case No.183 of 2016 registered for offences punishable under Sections 364, 302, 201/34 of the Indian Penal Code.

Petitioner no.1 is not named in the FIR and petitioner no.2 is named in the FIR. As per the FIR the allegation is that the son of the informant had gone for collection and thereafter he did not return and the informant apprehends hands of one Sambhu Yadav, Mithilesh Yadav and Sarvesh Yadav.

Submission of the learned counsel for the petitioner is that except suspicion there is nothing against him. Moreover



the other two accused persons have been granted bail by a Co-ordiante Bench of this Court vide order dated 10.5.2017 passed in Cr. Misc. No.22409 of 2017 and order dated 13.4.2018 passed in Cr. Misc. No.20251 of 2018 and nothing has been recovered from the house of the petitioners and the petitioners are in custody since 27.8.2018. The charge sheet has already been submitted.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-2, Purnea in connection with Barhara P.S.Case No.183/16.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner shall not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves 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.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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