

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32305 of 2018

Arising Out of PS.Case No. -153 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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Heero Yadav @ Heera Yadav, Son of Shankar Yadav @ Shankar Prasad Yadav, Resident of Village Lal Darwaja, Police Station Kotwali (Munger), District- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate &
Mr. Shivendra Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 12-06-2018 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is seeking regular bail in Kasim Bazar P.S. Case No. 153 of 2016 registered under Sections 302, 34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that in the present case there are altogether 19 named accused persons and against 15 out of 19 accused persons there are general and omnibus allegations of firing upon the deceased. Learned senior counsel submits that the deceased was a dreaded criminal and he had altogether 22 cases on his head, in these circumstances his murder by an unknown person cannot be ruled out. It is submitted that the petitioner is in custody since 22.11.2016 and during these



period similarly situated named accused persons have been granted the privilege of regular bail by different co-ordinate benches of this Court. Some of the orders passed by the learned co-ordinate benches of this Court in Cr. Misc. no. 27718/2018 and Cr. Misc. no. 20006/2018 have been placed before this Court apart from one passed in Cr. Misc. No. 25277/2018, as contained in Annexure-4 to the present application. It is submitted that till date even the charge has not been framed in the present case and considering this aspect of the matter the learned co-ordinate bench, which had earlier rejected the bail application of co-accused Dharma Yadav, has granted him bail vide order dated 02.05.2018 in Cr. Misc. No. 20006/2018.

Learned A.P.P. for the State is present. In course of submission even though he has attempted to oppose the bail application but accepts the factual position that the allegation against this petitioner is identically situated as have been made against the co-accused who have been granted the privilege of regular bail by different co-ordinate benches of this Court.

Considering the facts and circumstances of the case whereunder I find that there are general allegations against all the accused persons and the co-accused similarly situated have been granted the privilege of regular bail by different coordinate



benches of this Court as also the fact that till date the charge has not been framed in the present case, let the petitioner, named above, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Tribhuwan Nath, Addl. District & Sessions Judge V, Munger in connection with S. Tr. No. 244 of 2017, arising out of Kasim Bazar P.S. Case No. 153 of 2016, subject to the conditions as laid down under Section 437(3) Cr.P.C and that the petitioner shall cooperate in course of trial by putting appearance in the trial court on each and every date fixed in the matter. In case the petitioner fails to appear in the trial court on two consecutive dates, the trial court shall cancel the bail bonds of the petitioner.

(Rajeev Ranjan Prasad, J)

Dilip/Anjula.

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