

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72604 of 2018

Arising Out of PS. Case No.-214 Year-2017 Thana- BUXAR MUFFSIL District- Buxar

Tota Khan Son of Gayasudhin Khan, resident of Village- Sarimpur, P.S.-
Buxar (Ind), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Sri Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Buxar (M) P.S. Case No. 214 of 2017** registered for the offence punishable under Section 302/307/34 of the IPC and Section 27 of the Arms Act.

Earlier the bail application of the petitioner was rejected vide order dated 16.08.2018 in Criminal Miscellaneous No. 40503 of 2018.

It has been submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Ritesh Yadav. Similarly, situated co-accused person Vivekanand Yadav @ Chhotu Yadav has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 18.08.2018 in Criminal Miscellaneous No. 46164 of 2018. It has been further submitted that petitioner



is in custody since 04.06.2018.

Considering aforesaid facts and circumstances of the case and the fact that the petitioner has remained in custody for more than six months, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Sessions Judge, Buxar** in connection with **Buxar (M) P.S. Case No. 214 of 2017 (S.Tr. No. 236 of 2018)**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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