

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3568 of 2018

Arising Out of PS.Case No. -177 Year- 2009 Thana -MADANPURA District- AURANGABAD
=====

Surendra Yadav @ Bhurkund Ji @ Raushan Ji @ Bhurkund, S/o Akalu
Yadav, resident of Village- Pandey Pokhar, P.S.- Konch, District- Gaya.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Lilawati Singh
For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been in custody since 15.09.2017 in
connection with Madanpur P.S. Case No. 177 of 2009 for the
offence registered under Sections 147, 148, 149, 341 and 427 of
the Indian Penal Code and Section 34 of the Explosive Substance
Act and Section 17 of the Criminal Law Amendment Act.

Learned counsel for the petitioner submits that though
the present first information report is of the year, 2009 and earlier
also the petitioner had been taken into custody, he was never
remanded in connection with the same. The first information



report reveals that the petitioner along with other 20-25 persons were found fleeing away from the place of occurrence and thereafter, they were named. The first information report also reveals that the petitioner fled away in the darkness, which was prevalent on that point of time.

Diary of the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that petitioner having criminal antecedent and therefore, he should not be extended the privilege of regular bail.

However, learned counsel for the petitioner reiterates his prayer stating that similarly situated co-accused persons, who was also named in the first information report has since been extended the privilege of regular bail passed in Cr. Misc. No. 34690 of 2015 vide order dated 23.11.2015 and one Lala Yadav @ Mohan Jee @ Mohan Yadav has also been extended the privilege of regular bail passed in Cr. Misc. No. 33323 of 2013 vide order dated 30.10.2013. As such, the petitioner may be extended the privilege of regular bail.

Considering the aforesaid facts and circumstances of the case and that similarly situated co-accused persons have been



extended the privilege of regular bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 177 of 2009, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to



move for cancellation of bail.

Jagdish/-

(Anjana Mishra, J)

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