

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66384 of 2018

Arising Out of PS. Case No.-98 Year-1997 Thana- JOGAPATTI District- West Champaran

Bhikhari Yadav S/o late Jugeshwar Yadav R/o Village- Jaralpur, P.S.
Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-11-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Tr. No. 3820 of 2018 arising out of Yogapatti P.S. Case No. 98 of 1997** registered for the offence punishable under Sections 147, 148, 140, 323, 324, 307, 302, 212 and 364A of the Indian Penal Code.

Allegation against the petitioner is of assaulting the deceased along with FIR named accused, which caused his death. Police had submitted final report in this case as occurrence to be false, however, differing with police report cognizance has been taken of the offence by C.J.M. Bettiah.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. This case is counter blast of Yogapatti P.S. Case No. 87 of 1997. Similarly, situated co-accused persons have been granted bail by



co-ordinate benches of this Court vide orders dated 14.11.2014 in Criminal Miscellaneous No. 18168 of 2013 and 06.06.2018 in Criminal Miscellaneous No. 33520 of 2018. Petitioner has got no criminal antecedent and is in custody since 24.08.2018 and chargesheet has been submitted.

Considering the aforesaid facts and circumstances of the case, 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 **Judicial Magistrate-1st Class, Bettiah, West Champaran**, in connection with **Tr. No. 3820 of 2018 arising out of Yogapatti P.S. Case No. 98 of 1997**, 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 represented on each and every date fixed by the court.

(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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