

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38512 of 2018

Arising Out of PS. Case No.-152 Year-2014 Thana- BELHAR District- Banka

Bachandev Yadav S/o Late Tekan Yadav, R/o Vill.- Sahiya, P.S.- Jhajha,
District- Jamui ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Prasad, Adv.

For the Opposite Party : Mr. Dilip Kumar, APP 19

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 25.01.2017, seeks bail in connection with S. Tr. No. 311 of 2017 arising out of Belhar P.S. Case No. 152 of 2014 for offences alleged under Sections 147, 148, 149 and 302 of the Indian Penal Code, 27 of the Arms Act, 38, 39 and 40 of the UA(P) Act and 17 of the Criminal Law Amendment Act.

The prosecution case, as lodged by the informant, is that 20-25 persons came and took away his father and, thereafter, had killed him.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, not named in the first information report and has not been put on test identification parade and that trial is going on and the petitioner undertakes to cooperate in the trial. It has also been submitted that one of the co-accused, on similar allegation, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 60698 of 2017 vide order, dated 02.02.2018.



However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in ten cases earlier although in five cases he has been acquitted.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 311 of 2017 arising out of Belhar P.S. Case No. 152 of 2014 to the satisfaction of the Additional Sessions Judge, II, Banka, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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