

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2196 of 2019

Arising Out of PS. Case No.-138 Year-2017 Thana- CHANAN District- Lakhisarai

Chhabila Yadav Late Gajo Yadav Resident of Village-Jhinaura, P.S. Telarhat,
Dsitriect- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Adv.
For the Opposite Party/s : Mr.Choubey Jawahar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Chanan P.S. Case No. 138 of 2017 registered for the offences punishable under Sections 341, 323, 504, 506, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant who is son of the deceased has stated in his written complaint that petitioner along with F.I.R. named accused persons killed his father while his father went to load the sand in a tractor at river Kiul.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Informant is not the eye-witness of the occurrence. There is no specific allegation against



petitioner, specific allegation of firing is against Karu Yadav. Similarly placed co-accused has been granted bail by co-ordinate bench of this court passed in Cr. Misc. No. 27845 of 2018 vide order dated 18.07.2018. Petitioner is in custody since 08.08.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st Lakhisarai, in connection with Chanan P.S. Case No. 138 of 2017, subject to 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 Court and his absence on two consecutive dates without sufficient reasons, 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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