

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14960 of 2019

Arising Out of PS. Case No.-50 Year-2006 Thana- KHAIRA District- Jamui *

RAJENDRA YADAV Son of Late Rameshwar Yadav Resident of Village -
Ghutia, P.S.- Tisri, District - Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
06.12.2018 in a case registered for the offences punishable
under Sections 302, 120B of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan
of Rubaida Khatoon, recorded by S.I., R.V. Sharma, O/C
Khaira Police Station on 05.04.2006 at 10.00 A.M., to the
effect that on 05.04.2006 at 5.30 A.M., the informant along
with her husband went to collect 'Mahua', but in the
meantime, ten FIR named accused persons, including the
petitioner and 2-3 unknown persons came variously armed and
protested for picking up Mahua. Thereafter, the accused
persons caught hold of the husband of the informant and tied
his hands and legs and co-accused Gupti Kherwar assaulted



him with an axe, as a result, the husband of the informant died on spot.

It is submitted by learned counsel for the petitioner that the accusation of assault is not specific against the petitioner, rather it has been levelled against co-accused Gupti Kherwar. It is further submitted that similarly situated co-accused Bali Khairbar @ Bhikhari Khairwar has been granted bail by a Co-ordinate Bench of this Court, vide order dated 19.05.2010, passed in Criminal Miscellaneous No.17458 of 2010. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is also named in the FIR and is alleged to have participated in the commission of offence.

Considering the specific accusation of assault against co-accused Gupti Kherwar and the similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Additional Sessions Judge-FTC-III, Jamui in connection with Sessions Trial No. 228 of 2009, arising out of Khaira P.S. Case No. 50 of 2006.

However, since the case was registered in the year 2006, while the petitioner has surrendered on 06.12.2018, the Court below will be at liberty to cancel the bail bonds of the petitioner positively, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

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