

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79610 of 2018

Arising Out of PS. Case No.-296 Year-2014 Thana- BIHPUR District- Bhagalpur

Prabhash Yadav S/o Bashudeo Yadav @ Babu Saheb @ Babu Saheb Yadav
R/vill-Kaharpur,P.S-Bihpur (Jhandapur) ,Distt.-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr. Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Bihpur (Jhandapur) P.S. Case No. 296/2014 registered for the offence punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that co-accused Anil Yadav had fired upon the deceased Pappu Yadav and threw his dead body in the river. Allegation against the petitioner is that he called the deceased on his *Basa* where they ate meat and thereafter, this incident happened.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case on the basis of suspicion. There is no any specific allegation of overt act against the petitioner. Similarly placed co-accused persons have been granted bail by a co-ordinate Bench of this Court as contained in Annexures 2 and 3 of this petition. Petitioner is in custody since 26.11.2018.

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 2nd Additional District & Sessions Judge, Naugachia, District, Bhagalpur in connection with Sessions Trial No.410/2016 arising out of Bihpur (Jhandapur) P.S. Case No. 296/2014, 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, 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)

Sanjay/-

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