

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29886 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- KAJRA District- Lakhisarai

1. BHOPAL YADAV Son of Adhu Yadav Resident of Village/Muhalla-
Punadih P.S.- Kajra, District- Lakhisarai.
2. Kishori Yadav Son of Adhu Yadav Resident of Village/Muhalla- Punadih
P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection with Kajra P.S. Case No. 20 of 2018 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, six accused persons including these petitioners are said to have fired on the son of the informant as a result of which he died.

It is submitted by learned counsel for the petitioner that the allegations against these petitioners are general and omnibus in nature. They are in custody since 15.09.2018 and



have no criminal antecedent. It is further submitted that the case of the petitioners stand on similar footing to that of the co-accused, namely, Sarjan Yadav and Chandan Yadav, who have granted bail vide order dated 27.02.2019 (Annexure-2) passed in Cri. Misc. No. 80667 of 2018 and vide order dated 01.03.2019 (Annexure-2/1) passed in Cri. Misc. No. 78360 of 2018 respectively.

The application for bail is opposed by learned APP for the State by submitting that not only both the petitioners are named in the FIR and there is specific allegation of firing against these petitioners but the trial has also commenced as is evident from the recital in the petition.

Having heard learned counsel for the parties and taking into consideration the fact that petitioners are in custody since 15.09.2018, having no criminal antecedent and similarly situated co-accused persons have been enlarged on bail, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1 Cum- Special Judge, Lakhisarai in connection with S.Tr. No. 175 of 2018 arising out



of Kajra P.S. Case No. 20 of 2018.

However, in view of the fact that trial has commenced, it is directed that the petitioners shall remain present in court on each and every date in the trial and in case of their absence on two consecutive dates for reasons not to the satisfaction of the court below, bail granted to the petitioners shall be cancelled and they shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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