

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.76629 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- AZIMABAD District- Bhojpur

Vikash Yadav, S/o Sri Bhikhari Yadav @ Bhikari Singh, Resident of Village-Tarachak, P.S. Azimabad, Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 02-01-2019

Heard learned counsel for the parties.

Petitioner seeks bail in Azimabad P.S. Case No. 02 of 2017 registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code.

Informant has alleged in his written complaint that his father had gone with Bolero vehicle but thereafter he did not return and on the next day even after much search his whereabouts could not be found. However, on information received that the Bolero vehicle is lying in abandoned condition, he went there and found it to be the same vehicle which was driven by his father and thereafter his dead-body was also recovered. He suspected that Satyendra Tiwari, Harendra Tiwari and Shyam Sundar Tiwari have killed his father due to long pending land dispute with them.

Earlier the bail application of petitioner was rejected by this Court as contained in Annexure 1 of this petition.



It has been submitted on behalf of the petitioner that petitioner is not named in the F.I.R. and he has been implicated in this case only on the basis of call detail. It has further been submitted that petitioner has no criminal antecedent and he is in custody since 26.09.2017. It has been submitted that similarly placed co-accused have been granted bail as contained in Annexure-4 and F.I.R. named accused have already been granted bail as contained in Annexure-3.

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 Sessions Judge, Bhojpur, Ara, in connection with S. Tr. No. 312 of 2018 arising out of Azimabad P.S. Case No. 02 of 2017, 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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