

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65963 of 2019**

Arising Out of PS. Case No.-35 Year-2019 Thana- JAMHOR District- Aurangabad

ARVIND YADAV, aged about 30 years, (male), s/o Bhuneeshwar Yadav, R/O village-Gigna, Via-Gigna, P.S.-Jamhor, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Adv.
For the Opposite Party/s	:	Mr.Gulnar Begum, APP
For the informant	:	Ms. Rupa Kumari, Adv.
		Mr. Yugal Kishore, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-11-2019 Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307 and 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case in brief is that while the informant's brother forbade in constructing the toilet tank, the accused persons assaulted him, as a result of which, he received injuries and died in the way proceeding for treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.07.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses



alleged against the petitioner. The allegation of assault has been made against co-accused namely Manoj Yadav, Pramod Yadav, Mantu Yadav, Vinod Yadav and Pintoo Yadav. No allegation of assault has been made against the petitioner. The petitioner, at best, is an order giver.

On behalf of the State and informant, it is submitted that the petitioner is named in the Complaint Case/FIR.

Learned counsel for the petitioner further submits that the similar co-accused has been granted bail by the Co-ordinate Bench of this Hon'ble Court in Cr. Misc.37037 of 2019 dated 27.06.2019.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Incharge Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Jamhor P.S. Case No. 35 of 2019, subject to the 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 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.

(Anjani Kumar Sharan, J)

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