

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74048 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- SARE District- Nalanda

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Gautam Yadav Son of Ragunandan Yadav Resident of Village-Ali Nagar, P.S-Sare, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-12-2019 Heard learned counsel for the parties.

The petitioner is in custody since 19.08.2019 in connection with Sare P.S. Case No. 148 of 2018 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code added.

Learned counsel for the petitioner submits that though the petitioner is named in the first information report, there is no specific overt act attributed to the present petitioner and three persons are said to have been injured out of which one is said to have died. It is further submitted that in view of the fact that there is nothing on record to show that the petitioner alone had demanded Rangdari from the said Guddu Yadav and it was also found that the informant himself was a drunkard for which



another case bearing Sare P.s. Case NO. 03 of 2019 had been registered, the petitioner may be extended the privilege of bail. It is further submitted that the petitioner is willing and ready to undertake to be present all through the course of the trial without absenting himself for two consecutive dates. He further submits that his father will be the bailor in the present case.

Learned counsel for the informant submits that the petitioner is not entitled to the privilege of bail in view of the fact that it was out of the cumulative effect of the attack which led to the death of one Anandi Yadav and, therefore, the petitioner deserves to be kept behind the bars.

Having considered the entire facts and circumstances and in view of the fact that the trial has already commenced and also since the petitioner has given an undertaking that he shall present himself at all material time and not hinder or delay its progress, let the petitioner, above, named, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sare P.S. Case No. 148 of 2018, subject to the following condition :-

(1) One of the bailors will be his own



blood relative, preferably, father, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(S. Kumar, J)

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