

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76644 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- KHAJEKALA District- Patna

Subhash Yadav @ Subhash Narayan Yadav Son of Shri Deep Narayan Yadav,
Resident of Mohalla- Mirgulabi Bag, Patna City, P.S.- Khajekalan, District-
Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.RajeevKumar
For the Opposite Party/s	:	Mr.Sandeep Kumar Ehteshamuddin
For informant	:	Mr. Sandeep Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-01-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection with Khajekalan PS case no. 245 of 2018 registered for the offence punishable under Sections 302/34 of Indian Penal Code and 27 of Arms Act.

The allegation in the present case is regarding the accused persons having assaulted the son of the informant after an altercation had taken place resulting in death of the son of the informant during the course of treatment in the hospital. It is further alleged that as far as the petitioner is concerned, he is said to have fired on the deceased along with one other co-accused.



The learned counsel for the petitioner, by referring to the post mortem report, has submitted that no any firearm injury has been found and the death is also not as a result of the firearm injury, hence the complicity of the petitioner is not present in the present case. It is further submitted that the petitioner is an accused in two other cases, however he is on bail in the said two cases. Some of the similarly situated accused persons are stated to have been granted bail by this Court. The petitioner is stated to be languishing in custody since 30.07.2018. It is further submitted that the petitioner would abide by whatever conditions as is deemed fit and appropriate to be imposed by this Court.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the accused persons who have been granted bail by this Court are threatening the informant and dissuading her not to give evidence, inasmuch as trial is going to start soon since the present case has been referred to the Fast Track Court for speedy trial.

Having regard to the submissions made by learned counsel for the respective parties as also the learned A.P.P., I deem it fit and proper to enlarge the petitioner on



regular bail, however subject to some conditions which are being enumerated hereinbelow.

Accordingly, the abovenamed petitioner is directed to be enlarged 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 S.D.J.M., Patna city, Patna in connection with Khajekalan PS case no. 245 of 2018. It is further directed that the petitioner shall be present on each and every date before the trial court on the date so fixed by the court below as also he shall put his attendance at the concerned PS at 10.30 am on every Monday of the week and in case of two consecutive defaults, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

