

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26144 of 2020

Arising Out of PS. Case No.-127 Year-2015 Thana- KAUWAKOL District- Nawada

Binod Yada, Aged about 25 years (M), Son of Sheetal Yadav Resident of
Village - Rani Bazar, P.S.- Kawakol, District - Nawada, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Avanish Kumar Singh, Advocate
For the Opposite Party : Mr.Navin Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-10-2020 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner is in custody in connection with
Sessions Trial No. 427 of 2019 arising out of Kauakol P.S. Case
No. 127 of 2015 for the offence under Sections 341, 323, 379,
307 and 302/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
would submit that the petitioner has got no criminal antecedent.
It is alleged that the petitioner was involved in assaulting the
deceased. He further submits that co-accused Bholi Yadav has
been granted bail by a coordinate Bench of this Court vide order
dated 13.12.2017 passed in Cr. Misc. No. 60810 of 2017.
Petitioner is in custody since 28.09.2019. The deceased is a man
of criminal antecedent. The petitioner was granted provisional



bail for a period of 15 days on 20.03.2020 to attend his father's last rites and in terms of the direction, he surrendered on 03.04.2020.

Learned counsel appearing on behalf of the petitioner submits that trial bearing Sessions Trial No. 427 of 2019 has already commenced after commitment of the case to the Court of Session.

From the materials available on record it appears that co-accused has been granted bail by a coordinate Bench of this Court with such terms and conditions so that he may extend full cooperation in early conclusion of the trial.

Learned counsel appearing on behalf of the State would submit that it would not be appropriate to release the petitioner as his release may adversely affect conduct of the fair election.

Considering the aforesaid, the application for grant of bail is disposed of with a direction to the Additional District Judge-II, Nawada to release the petitioner on bail on appropriate terms and conditions after result of General Election in the State of Bihar is declared i.e. after 10th November, 2020.

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(Anil Kumar Upadhyay, J)

