

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18674 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- SUIYA District- Banka

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DIPAK YADAV @ RAJESH KUMAR YADAV SON OF PUNIT YADAV
RESIDENT OF VILLAGE-BORA, PS-SUIYA, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mrs.Pushpa Sinha APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 03-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner seeks bail in Suiya P.S.Case No. 26 of 2020 instituted for the offence under sections 302,120B/34 of the Indian Penal Code.

The petitioner is in custody since 10.09.2020. It is alleged that petitioner along with other co-accused persons have come together and intercepted the son of the informant, one



Kailash Rout fired upon the informant's son.

Learned counsel for the petitioner submits that from the allegations made in the F.I.R no case is made out against the petitioner. Specific overt act of firing has been attributed against co-accused Kailash Rout. The petitioner has no criminal antecedent. Similarly Situated, co-accused Ramesh Yadav has been granted bail in Cr. Misc No. 27053 of 2020.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purpose of grant of bail, is inclined to accept the submissions advances by the petitioner's counsel. Petitioner's prayer for bail is allowed. 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 the learned Chief Judicial Magistrate, Banka, in connection with Suiya P.S. Case No. 26 of 2020, subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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