

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18704 of 2021**

Arising Out of PS. Case No.-241 Year-2006 Thana- BARH District- Patna

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ASHOK YADAV SON OF LATE BHAGWAT YADAV @ BHAGO YADAV
R/O VILLAGE- DUMARIYA, P.S.- BARH, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-I, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-12-2021 Heard Mr. Arun, learned counsel appearing on behalf of

the petitioner and Sri Aditya Narayan Singh, learned A.P.P. for the

State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 27.01.2020, seeks
bail in connection with Barh P.S. Case No. 241 of 2006, for the
offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that all the thirteen
persons named in the F.I.R., including the petitioner, have killed
Shambhu Prasad, son of informant, with butt of pistol and rifles.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has been arrested, twice, by the same Police
Station and remanded in judicial custody, but they did not remand the
petitioner in the present case. On 16.01.2020, an application for
production was filed in the learned Court below and on that basis, the
petitioner has been remanded in the present case on



27.01.2020, but till date the petitioner has not been put on T.I.P. He further submits that there is general and omnibus allegation levelled against the petitioner. It is submitted on behalf of petitioner that no overt act has been attributed against him and similarly situated co-accused, namely, Kalicharan Mallah, Tuntun Mallah, Suresh Mallah, Binod Mallah and Sudama Yadav @ Sudam Yadav have been granted privilege of bail by this Court on 06.08.2007 passed in Criminal Miscellaneous No. 29238 of 2007, 21.06.2007 passed in Criminal Miscellaneous No. 26837 of 2007, 06.08.2007 passed in Criminal Miscellaneous No. 14438 of 2007, 19.01.2007 passed in Criminal Miscellaneous No. 51775 of 2006 and 02.12.2020 passed in Criminal Miscellaneous No. 27615 of 2020 have been enlarged on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances and perusal of the case diary as also the fact that other similarly situated co-accused have already enlarged on bail, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-V, Barh, Patna, in connection with Barh P.S. Case No. 241 of 2006 subject to the following conditions:-

(1) The petitioner is directed to give his attendance to the local Police Station on every 15th day of the month. The S.H.O of the



said Police Station is directed to furnish the attendance report of the petitioner every month to the concerned Superintendent of Police.

(2) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(3) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(4) 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.

(5) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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