

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31674 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- SISWAN District- Siwan

KAMLESH YADAV aged about 45 years S/o- Satyadeo Yadav R/o Village- Izra, P.S.- M. H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anjani Parashar, Advocate
For the Opposite Party/s :	Mr. Prashant Kumar, Advocate
	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-08-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, all the FIR named accused persons including the petitioner fired upon informant's brother as a result of which he died on the spot.

Learned counsel for the petitioner submits that the informant is not the eye witness of the occurrence. The allegation of firing is general and omnibus and no specific overt has been alleged against the petitioner who has claimed clean antecedent and he is in custody since 7.8.2020.



Investigation is complete.

Learned counsel appearing for the State and the informant oppose the prayer for bail. They submit that the trial has commenced and three witnesses have already been examined and petitioner has been named as one of the assailants of the deceased.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court and the investigation is complete, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of FTC I, Siwan in Sessions Trial No. 01/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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