

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37089 of 2021**

Arising Out of PS. Case No.-6 Year-2013 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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SUDAMA YADAV @ KUTUMB YADAV @ KUTUMBJEE Son of Ram
Baran Yadav @ Baran Lal Resident of Village - Dumaria, Police Station -
Barh, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr Akbar Ali, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Bakhtiyarpur Rail Police
Station (for brevity, *PS*) (Rail PP Barh) Case No 6 of 2013 dated
15.01.2013 instituted for the offence punishable under Section
302 of Indian Penal Code and Section 27 of Arms Act.

Claiming parity with co-accused Subhash Yadav
whose prayer for bail, along with the petitioner's prayer, was
earlier rejected by this Court on 11.11.2020, the petitioner has
renewed his prayer for bail by submitting that the said Subhash
Yadav has subsequently been allowed bail by this Court in Cr



Misc No 38372 of 2021. Since both are similarly situated, prayer is made for favourable consideration. Submission of the learned counsel for the petitioner is that in the course of investigation, inconsistency has emerged regarding the prosecution version, as stated by the informant and seizure list witness. The petitioner has remained in custody now since 29.07.2019. Another co-accused, namely, Mukesh Kumar @ Mukesh Yadav has also been allowed bail by this Court by order dated 04.03.2020 passed in Cr Misc No 66457 of 2019. Petitioner has one criminal antecedent in Barh PS Case No 241 of 2016, in which case he is already on bail.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, XXII, Patna in Bakhtiyarpur Rail PS (Rail PP Barh) Case No 6 of 2013, Sessions Trial No 1017 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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