

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37573 of 2021

Arising Out of PS. Case No.-17 Year-2002 Thana- KHAIRA District- Jamui

Biranchi Yadav, aged about 60 years, male, Son of Late Kashi Yadav Resident of Village- Darima, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Bharat Lal APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for petitioner and learned counsel 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 office when called upon to do so by the office.

The petitioner seeks bail in Khaira PS Case No.17 of 2002, instituted for the offence under Sections 364, 302 and 120B/34 of the Indian Penal Code.

The informant's son was assaulted and has allegedly been taken away by four persons. It is alleged that nine persons have come to their aid in commission of the offence, but in the later part of the First Information Report. The petitioner is said to be one amongst these nine persons in whose favour final report



was submitted by the police.

The submission is that other similarly situated co-accused, namely, Anil Yadav, D.P. Yadav @ Devendra Yadav and Dinesh Yadav have been allowed bail vide order passed in Cr. Misc. Nos. 8129 of 2018, 2162 of 2017 and 21889 of 2019 respectively. The petitioner, being an elderly member of the family, has also been implicated in this case on extraneous consideration and he is stated to be in custody now since 14.03.2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, 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 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 Jamui, in connection with Khaira PS Case No.17 of 2002, 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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