

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38372 of 2021

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

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SUBHASH YADAV Son of Dahaur Yadav Resident of Village- Pitaunjiya @
Pataujhiya, Bhadaur, District- Patna. Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Thakur, Advocate and
Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Ashok Kumar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 Heard learned counsel for the petitioner and the State.

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

Earlier prayer for bail of the petitioner was refused by this Court vide order dated 11.11.2020 with observation that the same is rejected for the present. Learned counsel for the petitioner submits that similarly situated co-accused Mukesh Yadav, whose name had also transpired during course of investigation in para 64/65 of the case diary, has already been allowed bail vide order dated 4.3.2020, passed in Cr.Misc.No. 66457/2019. Learned counsel submits that the desirability of consistency requires that this petitioner may also be released on bail. Petitioner is in custody since 9.9.2019. He submits that though the petitioner is accused in six criminal cases but he is



on bail in all those cases.

Considering the fact that similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court, 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 the Additional Chief Judicial Magistrate, Railway, Patna in Bakhtiyarpur (Barh) Railway Police Station Case No. 6 of 2013 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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