

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40327 of 2021

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

Sipan Yadav, aged about 31 years, male, Son of Paras Yadav Resident of Village- Basua, P.S.- Pasraha, District- Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-12-2021 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 Pasraha PS Case No.127 of 2019, GR No. 2907 of 2019 instituted for the offence under Sections 147,148,149,160,302,307,326 and 386 of the Indian Penal Code and Section 27(i) of the Arms Act.

The other co-accused similarly situated, namely Pappu Yadav has been allowed bail in Cr. Misc. no. 32985 of 2020. It is submitted by the petitioner's counsel that other co-accused persons having general and omnibus allegation against them



regarding firing have been allowed bail. Such submission is made relying on the orders passed in Cr. Misc. No. 21675 of 2020 (Narad Yadav vs. State of Bihar) and Cr. Misc. No. 13850 of 2020 (Bipin Yadav & Anr. Vs. State of Bihar). Submission is that the prayer for bail is made on the ground of parity and by submitting that the petitioner has been in custody now since 10.06.2020.

The learned APP representing the State has opposed the prayer for bail. Earlier, the prayer for bail of the petitioner was rejected by this Court by order dated 02.12.2020 passed in Cr. Misc. No. 29029 of 2020 vide Annexure-1.

However, relying on the aforesaid submissions based on the period of custody after his rejection and parity, this Court is inclined to allow the prayer. 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 Additional Sessions Judge-III, Khagaria in connection with Sessions Case No. 20 of 2021 arising out of Pasraha P.S. Case No. 127 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.

(Madhuresh Prasad, J)

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