

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36504 of 2020

Arising Out of PS. Case No.-132 Year-2003 Thana- RAJAOLI District- Nawada

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AWADHESH YADAV @ AWADHESH KUMAR Son of Late Chamari Yadav
Resident of Village - Jetsari, P.S.- Govindpur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-01-2021 Heard Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, the learned APP for the State.

The petitioner seeks bail in connection with Rajauli P.S. Case No. 132 of 2003 dated 20.12.2003 instituted for the offences under Sections 147, 148, 149, 364 and 392 of the Indian Penal Code and Section 17 of the Criminal Law Amendment Act in which Section 302 of the IPC was subsequently added.

After about several years of the occurrence, the petitioner is sought to be prosecuted in this case on the basis of his name cropping up in the supervision note of the superior police officer, where he has expressed suspicion that the petitioner had his hand in kidnapping and killing the deceased. Some of the other accused



persons of this case, who are similarly situated, so far the facts are concerned have been granted bail by different Benches of this Court.

The petitioner is in custody since 05.03.2020.

In the two cases in which the petitioner was made accused earlier, he has been granted bail.

Considering the aforesaid facts the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 132 of 2003.

The petitioner shall, however, participate in the trial if the case goes in trial and his absence from the trial proceedings on two consecutive occasions without seeking prior permission of the trial court would render his bail liable to be cancelled.

(Ashutosh Kumar, J)

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