

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24655 of 2022

Arising Out of PS. Case No.-37 Year-2019 Thana- PARAIYA District- Gaya

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Durgesh Yadav @ Durga Kumar Son of Late Gowardhan Yadav R/o Village -
Sonbarsa, P.S.- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Adv.
	:	Mr. Sanjeev Kumar, Adv.
	:	Ms. Priya Ranjan, Adv.
	:	Mr. Mukesh Kr., Adv.
For the Opposite Party/s :	:	Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Paraiya P.S. Case No. 37 of 2019 lodged under Sections 307,
504, 506/34/120 (b) of the I.P.C.

Learned counsel for the petitioner submits that the
petitioner of the present case has earlier moved before this Court
vide order dated 03.09.2020 in Cr. Misc. No. 14338 of 2020 but
his application was rejected.

Learned counsel for the petitioner submits that he has

moved for bail raising 2 new points. The first point is that similarly situated co-accused has been granted bail vide order dated 06.04.2022 in Cr. Misc. No. 57353 of 2021 by the Co-ordinate Bench of this Court. He further submits that petitioner is in custody since 27.07.2019 having clean antecedent. Charge has already framed in this case. Summons have been made to all the 5 prosecution witnesses to appear for examination but they did not turn up for the examination. Bailable warrant has been issued twice, learned counsel further submits that no purpose shall be served languishing the petitioner into jail, who is aged about 61 years.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-4th, Gaya in connection with Paraiya P.S. Case No. 37 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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