

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64468 of 2022

Arising Out of PS. Case No.-81 Year-2005 Thana- PARAIYA District- Gaya

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KAMTA YADAV Son of Rajendra Yadav Resident of Village- Inglish Par,
P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-12-2022 No one appears on behalf of the petitioner on call.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Paraiya P.S. Case No. 81 of 2005 for the offences under
Sections 302/34 of the Indian Penal Code, Section 27 of the
Arms Act and Section 17 of the C.L.A Act.

The matter was earlier heard vide Cr. Misc. No. 59911
of 2021 and the same was rejected on 18.05.2022.

As per the allegation, the accused persons came and
asked for water from the informant and the same was given to
them. They further demanded the water to be brought in a
bucket for at least 500 people. Later, it was alleged that they tied
their hands and assaulted them. In the process, they shot and



killed his brother.

On 30.11.2022, the learned Trial Court was directed to submit a report regarding the stage of the trial.

The same has been received vide letter no. 224 dated 05.12.2022, according to which summons have issued to the witnesses on 12.09.2022 and till the issuance of the letter, they have not turned up.

Taking into account the aforesaid facts as also that he is custody since 09.08.2021(as stated in paragraph-9 of the bail application), this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 81 of 2005, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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