

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60054 of 2023

Arising Out of PS. Case No.-471 Year-2015 Thana- WAJIRGANJ District- Gaya

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BINDESHWAR YADAV S/O LATE JAWAHIR YADAV R/O VILLAGE-
KONOUDEH, P.S- WAZIRGANJ, DISTT.- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Wazirganj P.S. Case No. 471 of 2015 for the offence punishable under Sections 302, 307, 34 of the Indian Penal Code and section 27 of the Arms Act as well as 17 of Cr.L.A Act lodged on 15.11.2015 by the informant, Madhura Prasad.

3. As per the prosecution story, the allegation is that the informant's brother went to village in search of labourer for agriculture work and later came to know that he has been killed. The informant reached the place of occurrence and saw the dead body. Accordingly, the FIR.

4. The case of the petitioner is that omnibus allegation has been made against the accused persons, there is no eye-witness to the occurrence, all hearsay and further submission is



that co-accused Akhilesh Yadav has been granted bail in Cr. Misc. No. 52735 of 2021.

5. Learned APP opposes the prayer stating that the name of the petitioner has cropped up.

6. Considering the fact that omnibus allegation is there, there is no eye-witness to the occurrence, the petitioner is 62 years old and is in custody since 31.1.2023 (para-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. 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 A.D.J.-III, Gaya, in connection with Wazirganj P.S. Case No. 471 of 2015 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 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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