

Patna High Court - Orders

Sarbin Yadav @ Sharbin Yadav @ ... vs The State Of Bihar on 21 December, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.28985 of 2010

SARBIN YADAV @ SHARBIN YADAV @ SHARABINI YADAV S/O LATE
KAMLESHWARI YADAV

Versus

THE STATE OF BIHAR

3. 21.12.2010 Heard learned Counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence u/s.302/34 of the Indian Penal Code and 27 of the Arms Act.

The petitioner was allowed bail by an order dated 4.12.2009 vide Cr.Misc.No.41943 of 2009 on condition that an affidavit would be filed on his behalf that the petitioner was not an accused in any other case. However, since the petitioner was an accused in four other cases instituted subsequent to the present case the petitioner was not released on bail.

Considering that earlier on merits the petitioner had been allowed bail as also that he is medically unfit, let the petitioner above named be released on bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of Chief Judicial Magistrate, Munger in Muffasil P.S. case No.180 of 2005, subject to the conditions (i) That one of the bailor shall be the mother of the petitioner and the other bailor 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 undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse, (iv) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

Narendra/

(Anjana Prakash, J.)