

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 2864 of 2015

Arising out of P. S. Case No. - 8 Year - 2014 Thana - BASNAHI District - SAHARSA

=====

1. Khokha Yadav, Son of Late Maheshwari Yadav, Resident of Village -
Atalakha, P.S. - Basnahi, District - Saharsa (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Nazir Ansari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-01-2015

Heard both sides.

The petitioner seeks regular bail in Sessions Trial
No. 2375 of 2014 arising out of Basnahi P.S. Case No. 08 of 2014,
registered for the offences punishable under Sections 302 and
other allied Sections of the Indian Penal Code as well as Section
27 of the Arms Act.

The prosecution allegation is that the informant
along with his brother Anoj Yadav and others was returning after
emersion of Goddess Saraswati, the petitioner along with nine
others came there. It is alleged that Amol Yadav fired which hit on
the armpit of Anoj Yadav, the brother of the informant and Anoj
Yadav died on the spot. Petitioner is alleged to have assaulted
Pawan Yadav with the butt of the pistol.

It is submitted that there is no allegation of firing

against the petitioner. The deceased got one fire arm injury which is attributed to Amol Yadav. Pawan Yadav got simple injury who is alleged to have assaulted by the petitioner with butt of pistol.

Having considered the fact that the petitioner is not the assailant of the deceased, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Saharsa in connection with Sessions Trial No. 2375 of 2014 arising out of Basnahi P.S. Case No. 08 of 2014.

(Prabhat Kumar Jha, J.)

Kundan/-

U		T	
---	--	---	--