

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29405 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

1. Sanjay Yadav son of Sri Surendra Prasad Yadav Resident of Village
Dorwar, Ps Jainagar, District Madhubani..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-10-2015

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Jainagar
P.S. Case No. 37 of 2015 registered for the offence punishable
under Sections 147, 148, 149, 34, 323, 324, 307, 302 of the Indian
Penal Code and Section 27 (3) of Arms Act.

The allegation against the petitioner is that during the
occurrence he fired upon Sonfil Yadav the uncle of the informant
resulting he fell down and thereafter, he died.

Submission is of false implication and that in post
mortem report no firearm injury has been found on the person of
the deceased Sonfil Yadav and the injuries are caused by sharp
cutting weapon and also by hard blunt substance and as such the
petitioner who is suffering in custody since 11.05.2015 deserves
sympathetic consideration as there is no chance of tampering with

prosecution evidence to which learned APP duly assisted by learned counsel for the informant opposes by submitting that in inquest report regarding firearm injury the investigating officer has mentioned in column no. 5.

In the facts and circumstances stated above, considering that the doctor has not found any firearm injury on the person of the deceased Sonfil Yadav and further chargesheet has already been submitted against the petitioner and there is no chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Jainagar P.S. Case No. 37 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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