

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44090 of 2015

Arising out of PS.Case No. -11 Year- 2015 Thana -BHORE District- GOPALGANJ

Rajister Yadav, son of Late Jangali Chaudhary, resident of village- Koila Deva, P.S. Fulawaria, District Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate.

For the Opposite Party : Mr. Jitendra Kr.Singh 1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 25.05.2015 in connection with Bhore P.S. Case No. 11 of 2015 for the offences instituted under Sections 447, 448, 504, 506/34 , 307, 386 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 17.01.2015, the informant was sleeping with his father Rajendra Yadav @ Jhulan Yadav in his *Bathan* then at about 10.45 O' clock at once first information named accused persons arrived at his *Bathan* lashed with arms and ammunition and started giving abusive words. He saw Yogendra Yadav @ Loha Yadav, Kusum Yadav, Majister Yadav having gun in their hand woke up his father Rajendra



Yadav @ Jhulan Yadav and saw Rajendra Yadav holding rifle and saying to kill. Others were armed with rifle, gun and were using abusive words while instigating to kill all the family members and started firing. On the sound of firing, the villagers woke up and started running then all the accused persons fled away. He could save his life by hiding and when they went away he took his father to Referral Hospital, Bhore, from where the doctor referred to Gorakhpur Medical College where his condition is serious. Reason for the alleged occurrence is that earlier Loha Yadav used to demand Rs. 2 Lac ransom from them failing which they have fired upon his father and threatened to make the life miserable if the payment is not made.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The alleged date of occurrence is 17.01.2015 as to when FIR was instituted on 21.01.2015. No explanation has been made in respect to delay in instituting FIR. As per prosecution case, three persons are said to have assaulted the victim but there was only one injury found on the body of the victim. No specific injury is attributed against this petitioner.

On behalf of the State it has been submitted that the

petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 C.J.M., Gopalganj, in connection with Bhore P.S. Case No. 11/2015.

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(Sudhir Singh, J)