

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47725 of 2015**

Arising Out of PS.Case No. -212 Year- 2013 Thana -BARHARA District- PURNIA

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1. Dilip Yadav son of Bindeshwari Yadav R/o Village - Balutol, P.S. -  
Barhara Kothi, District - Purnea..... .. Petitioner

Versus

1. The State of Bihar. .... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Smt.Veena Kumari Jaiswal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

**ORAL ORDER**

4 07-12-2015

Heard learned counsel for the petitioner and learned

counsel representing the State.

Petitioner seeks bail in connection with Suppl.  
Barhara P.S. Case No. 212 of 2013 registered for the offences  
punishable under Sections 304B, 120B/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

Kumkum Devi the sister of the informant was  
married with Mithilesh Yadav on 13.07.2012 and due to non-  
fulfillment of demand of motorcycle she was being assaulted and  
tortured by her husband and other in-laws and on 27.10.2013 the  
petitioner and other co-accused caught hold the sister of the  
informant and husband shot her causing her death.

Submission is of false implication and due to  
reason that the petitioner is the brother of the husband of the  
deceased, the petitioner is living separately having no concern  
with the family affairs of the deceased and her husband, as alleged

the petitioner is not the assailant and he is in custody since 26.07.2015 having no criminal antecedent. In this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting that the deceased died due to firearm injury and one wound of entry and one wound of exit have been found.

In the facts and circumstances stated above and considering that the petitioner is not the assailant, 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 Sri Nitesh Kumar, J. M. Ist Class, Purnea in connection with Suppl. Barhara P.S. Case No. 212 of 2013, 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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