

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16991 of 2015

Arising Out of PS.Case No. -15 Year- 2012 Thana -BARIYARPUR District- MUNGER

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Tapesh Yadav Son of Satya Narayan Yadav, resident of village- Hansu
Singh Tola Harimar, P.S. Bariyarpur, District Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kishore Jha, Advocate.

For the Opposite Party : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 03-07-2015 Heard both sides.

The petitioner apprehends his arrest in Bariyaarpur P.S.
Case No. 15 of 2012, registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code.

The petitioner is not named in the FIR. The informant
Popal Saw did not disclose the name of the petitioner in his further
statement. Although he named eight accused persons in his
fardbeyan and alleged that they indiscriminately fired which hit
his sister-in-law above her waist and another firing also hit his
daughter on her arm and waist. The informant's sister-in-law died
on the spot.

It is submitted that the name of the petitioner figured in
the case in para -38 of the case diary that too after two months of

the occurrence, but the witness did not make any specific allegation. The witness claimed himself to be the eye witness of the occurrence but he kept mum for two months.

Considering the facts aforesaid and the fact that the informant himself is not an eye witness of the occurrence, but he disclosed the name of the petitioner in his fardbeyan nor in his further statement, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Munger in Bariyaarpur P.S. Case No. 15 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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