

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39069 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -BANGAON District- SAHARSA

Mohan Yadav @ Man Mohan Yadav S/o Late Sudeshwar Yadav Resident
of Village Bariyahi Basti, Bichal Tola, P.S. Bangaon, District Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar

For the Opposite Party : Mrs. Renu Kumari, App

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-10-2015 Heard the counsel for the petitioner and counsel for the
State.

The petitioner is languishing in jail since 08.06.2015 in
a case instituted under Section 302 of the Indian Penal Code and
27 of the Arms Act.

As per allegation, it is a case of murder of informant's
wife, namely, Duro Devi in the Barat ceremony by the accused
persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 08.06.2015. Chargesheet has
been submitted in the case. There is no allegation of tampering of
evidence against the petitioner. As per the prosecution story, it is
stated that when the Barat arrived, from both the families firing in

the air was being made and during that course the deceased had sustained a fire arm injury and succumbed to death. Petitioner is not named in the FIR though the informant subsequently in course of investigation has suspected that the petitioner had fired which had hit the deceased. From perusal of the case diary of paragraphs 12, 14 and 15, it is apparent that there were a number of independent witnesses who have been examined and they have admitted that at the time of arrival of Barat, both the sides were making air firing and whose firing hit the deceased could not be ascertained. The said independent witnesses have not named the petitioner.

On behalf of the State, it has been submitted that the petitioner's name has come in course of investigation.

Considering the aforesaid facts, let the above named petitioner 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 learned ACJM, Saharsa in connection with Bangaon P.S.Case No.43 of 2015.

(Sudhir Singh, J)

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