

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45903 of 2014

Arising Out of PS.Case No. -15 Year- 2012 Thana -GAURICHAK District- PATNA

Uma Prasad, Son of Rambhan Yadav, Resident of Village Upsabali, P.S.
Gaurichak, Dist. Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 03-03-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Gaurichak P.S. Case
No. 15 of 2012 dated 06.02.2012 instituted under Sections
302/34 of the Indian Penal Code. Later on Section 27 of the
Arms Act was added.

Learned counsel for the petitioner submits that the
allegation against him is of firing a shot at the deceased which
hit her in the neck, but he being the brother of the husband of
the deceased and the incident occurring after 15 years of
marriage and there being 4 children out of the wedlock, the
same is false. It is submitted that after the incident, when the
victim was brought to P.M.C.H., the informant, who is father of
the victim girl had made statement before the police at
P.M.C.H. in which there is only general allegation that the



husband and his family members had killed the deceased. This statement was recorded after two days of the incident. Learned counsel submits that had there been any specific allegation, it ought to have been reflected in the first statement. However, it is submitted that later on specific allegations have been made against the husband and the petitioner based on the post-mortem report disclosing bullet injury. Learned counsel submits that the statement in the First Information Report as well as that of the other witnesses is tutored and the petitioner being the brother could not have risked taking such a step and ruining his life even if his brother may have so desired or committed the crime. It is submitted that the petitioner has his own family and is in custody since 11.03.2012 and even the two daughters of the deceased who had initially given statement against him, during trial have not supported the prosecution story. It is further submitted that the petitioner has no criminal antecedent except for the present case. It is submitted that the father of the petitioner, Ram Bhavan Yadav has been granted bail by a Coordinate Bench of this Court on 30.09.2013 in Cr. Misc. No. 18053 of 2013.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Additional Sessions Judge-I, Patna City in Gaurichak P.S. Case No. 15 of 2012. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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