

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32474 of 2015

Arising Out of PS.Case No. -162 Year- 2012 Thana -BARH District- PATNA

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1. Nandu Yadav son of Shri Anup Yadav, Resident of village- Soima, P.S.-
Barh, District- Patna (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

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

4 06-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Barh P.S.
Case No. 162 of 2012 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
Arms Act.

The allegation against the petitioner is that he and other
co-accused were dragging the father of the informant and on the
order of the petitioner co-accused Kamadhin Yadav @ Bhoni
Yadav shot dead the father of the informant.

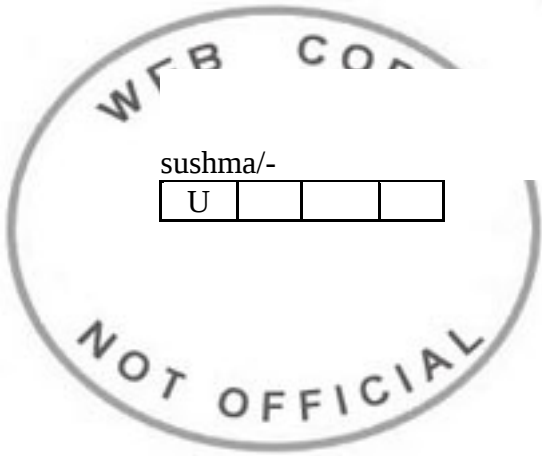
Submission is of false implication due to land dispute.
There is no allegation that the petitioner was armed with fire arm
and, as such, no such occurrence is made out. There is quite

contradiction in the further statement of the informant from his fardbeyan. Save and except the allegation of giving order, no specific overt act has been attributed against the petitioner and he is suffering in custody since 20.04.2015 after his surrender. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The petitioner has been made accused in another case also wherein, he has been allowed bail.

The learned APP fairly submits that the petitioner is order giver.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and petitioner is merely an order giver and, as such, 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 the Learned Chief Judicial Magistrate, Barh, Patna arising out of Barh P.S. Case No. 162 of 2012 subject to the conditions that one of the bailors must be 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)