

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37243 of 2015

Arising out of PS.Case No. -316 Year- 2012 Thana -BAKHTIYARPUR District- PATNA

Indal Yadav, son of Suresh Yadav, Resident of Village- Madhopur, P.S.- Bakhtiyarpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate.

For the Opposite Party : Mr. Anil Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 01.12.2012 in connection with Bakhtiyarpur P.S. Case No. 316 of 2012 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that while the informant came at his house, he did not see his son Suraj, then he asked about Suraj, then his daughter told hat he might have gone towards Station Road. Thereafter, at 9.00 P.M., the informant started to trace his son and reached Nayatola Hakikatpur near Ramnath Prasad’s house where he saw that all the accused persons

including this petitioner were assaulting his son and nephew Vicky. On raising alarm, people of vicinity reached there then accused persons including this petitioner resorted firing from pistols, to which his nephew Vicky Kumar died on spot and his son sustained injuries. Thereafter, his son was taken to Bakhtiarpur Hospital where he died also. Cause of incident is said to be previous enmity.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 01.12.2012 and the case has already been committed to the Court of Sessions. There is no allegation of tampering with the evidence against the petitioner. As per prosecution case, general and omnibus allegation has been made of indiscriminate firing. No specific injury has been attributed against the petitioner. The informant is the solitary eye witness to the alleged occurrence.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances and period of custody under gone, let the petitioner above named, 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 the learned Additional Sessions Judge-V, Barh,

Patna, in connection with Sessions Trial No. 358 of 2014, arising
out of Bakhtiyarpur P.S. Case No. 316 of 2012.

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(Sudhir Singh, J)

