

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43533 of 2015

Arising out of PS.Case No. -6 Year- 2014 Thana -IMADPUR District- BHOJPUR

Tinku Yadav, son of Sri Ambika Yadav, resident of Village- Rajpur, Police Station- Imadpur, District- Bhojpur at Ara.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ramchandra Singh, Advocate.
For the Opposite Party : Mr. Iftekhar Mahmood(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-11-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 16.06.2015 in connection with Imadpur P.S. Case No. 06 of 2014 for the offences instituted under Sections 341, 324, 307, 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on the alleged date and time of occurrence, the informant Kanhaiya Tiwary alongwith his cousin deceased Upendra Tiwary were returning from his house from the field and in the way, Dharmendra Tiwary accompanied with them and when they reached near the house of Jag Narayan Yadav, co-accused persons armed with gun came near to them from back and surrounded them and in the meantime, co-accused Govind Yadav shot Upendra Tiwary to which he fell down on the ground and died. When the informant and Dhirendra

Tiwary tried to flee then the accused persons made firing upon them but they saved. The petitioner-accused and other co-accused persons armed with gun chased the informant and Dhirendra Tiwary and had also made firing upon them.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The main allegation of causing injury upon the deceased is against one Govind Yadav. As far as the petitioner is concerned, he is alleged to have caused injury upon Manoj Yadav. From perusal of the injury report which is in paragraph no. 43 of the case diary, it appears that the injuries are simple in nature.

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, 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 C.J.M., Bhojpur at Ara, in connection with Imadpur P.S. Case No. 06/2014.

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(Sudhir Singh, J)