

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44896 of 2015

Arising Out of PS.Case No. -159 Year- 2015 Thana –BARBIGHA (Keoti OP) District- SEKHPURA

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Kameshwar Yadav @ Kameshar Yadav, son of Late Jagrup Yadav, resident
of Village- Laxmipur, P.S.- Barbigha (Keoti OP), District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Barbigha (Keoti
OP) P.S. Case No. 159 of 2015 dated 09.05.2015 instituted under
Sections 448/323/324/307/34 of the Indian Penal Code and 27 of
the Arms Act.

As per the allegation, the petitioner is said to have
exhorted his son to open fire on the son of the informant.

Learned counsel for the petitioner submits that the
parties are agnates and due to family dispute the incident has
occurred in which the son of the petitioner and three others had
assaulted the daughters of Bimal Yadav namely Sulekha Devi and
Kiran Kumari. It is alleged that on raising alarm Vijay Yadav

came running to save his niece and then the petitioner ordered to shoot on the basis of which his son Ram Pravesh Yadav fired at Vijay Yadav hitting him in the chest. Learned counsel submits that the petitioner being 77 years old and suffering from paralytic attack three years back is hardly in a position to move about and thus clearly he has been implicated. It is further submitted that no specific overt act has been alleged against him and he has no criminal antecedent.

Learned A.P.P. submits that the petitioner is the order giver.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Sheikhpura in Barbigha (Keoti OP) P.S. Case No. 159 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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