

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33217 of 2014

Arising Out of PS.Case No. -93 Year- 2014 Thana -BIHIYA District- BHOJPUR

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1. Bhorik Yadav @ Ajay Yadav son of Ram Jeet Yadav Resident of village Pakadi , P.O. Kalyanpur , Police Station Bihiya, District Bhojpur .

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nitya Nand Tiwary

For the Opposite Party : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 03-04-2015 Petitioner is languishing in custody since 01.04.2014 in a case registered for the offences punishable under Sections 307/34 of the I.P.C. Subsequently Section 302 of the I.P.C and Section 27 of the Arms Act were also added.

It is alleged that informant was in the company of Gorakh Ram, Bhagirath Singh and Kamlesh Singh when this petitioner and Arvind Paswan fired on the informant. One of the bullets hit on the abdomen of the informant and thereafter other accused persons also made firing. The injury report reflects only one injury.

It is submitted by learned counsel for the petitioner that statements of Gorakh Ram, Bhagirath Singh and Kamlesh Singh, who were with the informant at the time of occurrence, were recorded in para 7, 8 and 9 of the case diary where they claimed to have seen none due to the dark night.

Moreover the informant has not clarified as whose firing hit him, though he died after two days of the occurrence.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the fact that informant has suggested that two persons including the petitioner fired at him but only one bullet hit the informant and petitioner having no criminal antecedent, 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P.S. Case No. 93 of 2014.

(Dinesh Kumar Singh, J)

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