

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36202 of 2015

Arising Out of PS.Case No. -56 Year- 2012 Thana -PARWATTA District- KHAGARIA

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1. Manoj Yadav S/o Late Lukho Yadav R/o village - Dumaria Khurd, P.S.
Parbatta, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Mr. L. Kumar

For the Opposite Party/s : Mr. M. Rab (App)

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

3 30-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 56 of 2012 registered for the offences punishable
under Sections 324, 307, 34 of the Indian Penal Code and Section
27 of the Arms Act.

Allegedly on 20.03.2012 in the morning when the
informant was sitting at the door of his maternal uncle, the
petitioner and two co-accused came with pistol and asked about
the maternal uncle and thereafter the petitioner opened fire which
hit the chest of the informant and then Mukesh Yadav and Ajit
Kumar who were also along with the informant raised alarm and
the petitioner and other co-accused fled away.



Submission is of false implication and that for the occurrence of 20.03.2012 fardbeyan was recorded on 25.03. 2015 at Kalpana Nursing Home, Begusarai without any explanation. The doctor who has examined the informant, has not given opinion regarding the nature of injury which is evident from para-42 of the case diary and the petitioner is suffering in custody since 02.02.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that fire arm injury has been found on the chest of the informant which is mentioned in the injury report. The petitioner is the author of that injury.

In the facts and circumstances stated above, considering that the petitioner has not repeated the firing. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, considering his detention, 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 A.C.J.M., Khagaria arising out of Parbatta P.S. Case No. 56 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.



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(Jitendra Mohan Sharma, J)