

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26721 of 2016**

Arising Out of PS.Case No. -83 Year- 2016 Thana -KATORIA District- BANKA

Shyam Yadav S/o Sri Naresh Yadav Resident of village - Rikhiya Rajdah,  
Police Station Katoriya, District - Banka

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. APP.

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

6      11-11-2016                      Heard Mr. Mukherjee for the petitioner and Mr.  
Sadanand Paswan, learned APP for the State.

The petitioner was made accused under section 302  
IPC. However, it is stated that upon conclusion of  
investigation the police submitted the charge-sheet under  
sections 304 & 201/34 IPC. The allegation is that on the  
date of occurrence the petitioner along with others had come  
to the house of the informant and took the victim to a rally in  
order to campaign in favour of the wife of the petitioner who  
was contesting the Mukhiya election. Subsequently, his dead  
body was found.

Indisputably, there is no eye-witness to the

occurrence. It is alleged that on the confession made by the petitioner that he had brought the deceased and made him stay at a place where wine etc. was served to him, the police searched the place and recovered a country-made pistol as well as few bottles of wine.

The contention of the petitioner is that the deceased himself was a veteran criminal. The police also recorded his antecedents in the case diary. In course of preparation of bombs he suffered injuries and subsequently died. Having accepted the said proposition the police also submitted charge sheet not under section 302 but under sections 304 and 201/34 IPC. The petitioner is in custody since 04.05.2016.

Considering the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate<sup>1<sup>st</sup></sup>, Banka in Katoriya P.S. Case No. 83 of 2016 on condition that one of the bailors shall be his own/close family member. He shall continue to appear in person on each and every date fixed at the trial. In case he fails to appear on two consecutive dates without any compelling reason, the trial court shall have

liberty to cancel his bail bonds and secure his arrest in accordance with law.

**(Kishore Kumar Mandal, J)**

HR/-

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