

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25110 of 2016

Arising out of P.S. Case No. -27 Year- 2015 Thana -
BASOPATTI District- MADHUBANI

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Deo Narayan Yadav @ Jam Son of Mahendra Yadav, Resident
of Village - Madhiya, P.S. Basopatti, District – Madhabani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s: Md. Arif (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

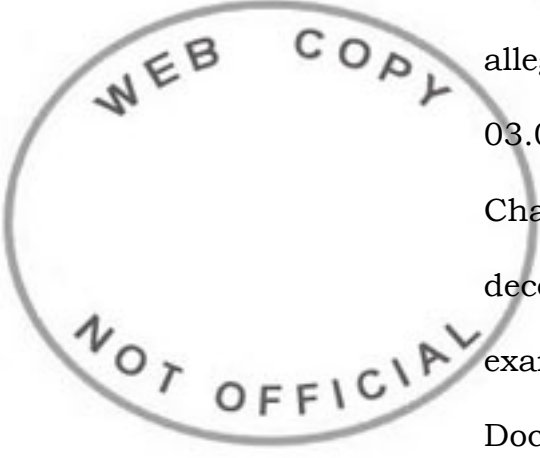
ORAL ORDER

05. 10.08.2016

Heard learned counsel for the Petitioner and
learned counsel for the State.

The Petitioner is languishing in custody since
24.06.2015 in connection with Basopatti P.S. Case No. 27
of 2015 pending in the Court of Additional Sessions
Judge-VI, Madhubani for the offences instituted under
Section 302/34 of the Indian Penal Code.

The prosecution case, in brief as alleged in the FIR
is that the husband of the Informant namely Tej Narayan
Yadav along with his elder brother Deep Narayan Yadav
were going on a motorcycle when they reached near the
house of Rati Sada the petitioner along with Jay Narayan
Yadav, Shankar Ram, Ram Dayal Yadav cried for stop of
the motorcycle to the elder brother of the petitioner then
he stopped the motorcycle upon which the petitioner fired
from his pistol on her husband thereafter he was taken to
the hospital but during the course of treatment he died.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.06.2015. The alleged occurrence is said to have taken place on 03.03.2015 but the FIR was instituted on 12.03.2015. Charge-sheet has been submitted in the case. The deceased died on 09.03.2015. Prior to his death he was examined at Primary Health Centre, Basopatti but the Doctor referred him to D.M.C.H. Madhubani and thereafter referred to P.M.C.H. Patna where in course of treatment he died. There is no medical report or post-mortem report to support the allegation made in the FIR. Delay in institution of the case has also not been explained by the prosecution.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, 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 Additional Sessions Judge-VI, Madhubani in connection with Basopatti P.S. Case No. 27 of 2015.

(Sudhir Singh, J.)

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