

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2320 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -PASRAHA District- KHAGARIA

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1. Amit Yadav Son of Jai Kishore Yadav resident of Village- Bandohra, P.s
: Pasraha, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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

3 11-03-2016 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, co-accused Jai Kishore Yadav told the
informant and her mother for measuring the land and thereafter the
informant and her mother went with him at the land where the
petitioner and co-accused Mohit Yadav having country made
pistol were standing and they surrounded the informant and her
mother and further Jai Kishore Yadav directed to execute the sale
deed otherwise they would be killed and on refusal Jai Kishore
Yadav assaulted with lathi and pointed Pistol. He gave order to

kill and then Jai Kishore Yadav, Amit Yadav and Mohit Yadav shot upon the mother of the informant as a result of which she fell down and died.

Submission is of false implication, there is no specific allegation as to who shot the mother of the informant; rather the allegation is against three accused persons and Jai Kishore Yadav has already been allowed bail vide Criminal Misc. No. 44867 of 2014, during post mortem also one wound of entry and one wound of exit have been found and as such the petitioner who is suffering in custody since 22.09.2015 deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer by submitting that in the inquest report there was mention regarding two injuries but the doctor who conducted post mortem examination, in collusion and conspiracy with the accused persons, has suppressed one injury.

In the facts and circumstances of the case stated above and considering that co-accused Jai Kishore Yadav has already been allowed bail, the petitioner above named is also directed to 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 the learned Additional Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 42 of 2014.

Amin/-

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(Jitendra Mohan Sharma, J)