

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5985 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -KHIJARSARAI District- GAYA

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1. Nagina Yadav S/o Sri Dwarika Yadav, Resident of Village- Naubatpur,
P.S.- Khijarsarai, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Khizersarai P.S. Case No. 19 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 307 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, the petitioner alongwith other FIR named
accused and other unknown kidnapped the informant and boarded
him into the vehicle, caused threats to depose in the case favouring
the accused persons otherwise to shoot him to which the informant
refused and then they caught the hands and leg of the informant
and co-accused Pappu Yadav shot him which hit right sides of
chest and thereafter they threw him and fled away. The informant

informed his family members from, mobile and then he was brought for treatment.

Submission is of false implication and that the petitioner has not caused any injury, in this case similarly situated Shyam yadav has been allowed pre-arrest bail vide Criminal Misc. No. 54315 of 2015 and co-accused Pappu Yadav has been allowed regular bail vide Criminal Misc. No. 42856 of 2015 though by remaining in custody for 9 months, on that ground Munni yadav has also been directed to renew his prayer for bail after completing 9 months and as such the petitioner having no specific allegation for causing any injury to the informant deserves sympathetic consideration as he is suffering in custody since 30.11.2015.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the informant was caused fire arm injury only with a view to put pressure so that he may depose in the case as per liking of the accused person.

In the facts and circumstances stated above, the petitioner shall be released on bail **after completing 4 months** in custody 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 C.J.M., Gaya, in connection with Khizersarai P.S. Case

No. 19 of 2015 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.

(Jitendra Mohan Sharma, J)

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