

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18052 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -BIHPUR District- BHAGALPUR

=====

1. Mahanand Yadav @ Julmi Yadav Son of Late Sahdeo Yadav resident of
village - Balha, P.S. Bihpur (Bhawanipur), District - Bhagalpur
..... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

with

Criminal Miscellaneous No.20137 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -BIHPUR District- BHAGALPUR

=====

1. Ravi Yadav Son of Sukho yadav resident of Village- Sher, P.S. Gogari ,
District- Khagaria Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

(In Cr.Misc. No.18052 of 2016)

For the Petitioner/s : Mr. Bibhuti Pandey, Sr. Advocate
Mr. Pravin Kumar Sinha

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

(In Cr.Misc. No.20137 of 2016)

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Amit Rana (App)

For the Informant : Mr. Kamlesh Kr. Pathak, Advocate

=====

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

ORAL ORDER

3 28-06-2016 Above noted both the applications have arisen out of one

occurrence i.e. Bihpur (Bhawanipur) P.S. Case No. 300 of 2015

registered for the offences punishable under Sections 302/34 of the

Indian Penal Code and Section 27 of the Arms Act and as such

they have been heard together and are being disposed of by this

common order.

Allegedly, Dilip Yadav who was sleeping in the Veranda



was shot dead and after hearing the sound of firing the informant and his family members came out and saw the petitioners and other co-accused opening fire and the petitioner Mahanand Yadav @ Julmi Yadav was having three nut, when the informant and his brothers raised alarm Mahanand Yadav @ Julmi Yadav opened firing and fled away towards their houses. It is alleged that the occurrence has taken place due to the land dispute.

Submission is of false implication and that the informant is not an eye witness regarding the killing of his brother, there is no specific allegation against the petitioners and due to land dispute they have been implicated, the manner of occurrence as alleged appears not true, the deceased might have been killed by someone else and as such the petitioners deserve sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioners and co-accused were seen by the informant and other witnesses and further the petitioner Mahanand Yadav @ Julmi Yadav opened fire also to terrorize the informant and others.

In the facts and circumstances stated above, considering that after the occurrence the petitioners and others were seen by the informant and others and further the petitioner Mahanand Yadav @ Julmi Yadav was having three nut in his hand and he

opened fire when the informant and others raised alarm and as such this Court is not inclined to enlarge the petitioner Mahanand Yadav @ Julmi Yadav on bail, accordingly, his such prayer stands rejected.

So far as petitioner Ravi Yadav is concerned, he 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 Additional Chief Judicial Magistrate, Naugachia in connection with Bihpur (Bhawanipur) P.S. Case No. 300 of 2015, subject to the conditions that one of the bailors must be a 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.

avin/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--