

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23394 of 2016

Arising out of PS.Case No. -211 Year- 2015 Thana -BIHRA District- SAHARSA

1. Santosh Yadav.
2. Subhash Yadav. Both S/o Dhaniklal Yadav R/o village - Mankahi, P.S. Bihra, District – Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Shiva Shankar Sharma, Advocate.
For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-08-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 22.02.2016 in connection with Bihra P.S. Case No. 211 of 2015 for the offences instituted under Sections 341, 324, 307, 448, 506, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the husband of the informant, namely, Jagdish Yadav, had sustained pellet injury in the eye and temple and lying on the earth in unconscious condition. In the meantime, she saw these petitioners were fleeing away showing fire arms by saying that her husband Jagdish Yadav had given evidence in the said case so, they had shot him and if



the informant will say anything she too will be killed and they fled away on motorcycle towards northern side. She identified two persons and she did not identify rest four persons. In the meantime, other persons also woke up and saw the miscreants while they were fleeing away. It is further alleged that the injured was brought to Sadar Hospital, Saharsa and from there he was referred to PMCH, Patna, for better treatment. It is further alleged that prior to this occurrence, Jagdish Yadav, was a witness in Bihra P.S. Case No. 108/2014 and due to this reason, the occurrence has taken place.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 22.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. The informant is not an eye witness to the manner of occurrence. The victim has been examined in paragraph no. 22 of the case diary where he has made specific allegation against one Shambhu Yadav who fired upon him. There is no injury report in the case diary to support the prosecution case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the

petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Saharsa, in connection with Bihra P.S. Case No. 211 of 2015.

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(Sudhir Singh, J)