

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23137 of 2016

Arising Out of PS.Case No. -64 Year- 2010 Thana -BARACHATTI District- GAYA

Vijay Yadav, son of Late Jagdish Yadav, resident of Village Maliya Koni
P.S. Barachatty (Mohanpur) District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Paras Nath, Advocate.

For the Opposite Party : Mr. C.Sen Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 23-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 20.12.2015
in connection with Sessions Trial No. 1427 of 2016, G.R. No.
297/2010, arising out of Barachatty (Mohanpur) P.S. Case No. 64
of 2010 for the offences instituted under Sections 302/34 of the
IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant and
his father were going to their house from Civil Court, Gaya, and
when they reached at Modani river, in the meantime, the petitioner

and others started firing there. The informant fled away but his father sustained five fire arm injury on his person. The accused persons fled away from there. His father was admitted in Hospital at Gaya from where he was referred to PMCH for treatment but on the way he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. Altogether 10 persons have been named in the FIR including the petitioner. General and omnibus allegation has been made against all the accused persons in the FIR. Subsequently, in course of investigation, the informant in paragraph no. 05 of the case diary has made a specific allegation against Jagarnath Yadav, Mundrika Yadav, Umesh Chaudhary, Ghanshyam Prasad Yadav and Dashrath Yadav for firing upon the deceased.

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

Considering the aforesaid facts and circumstances, 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 the learned S.D.J.M., Sherghati
at Gaya in connection with Trial No. 1427/2016, G. R. No.
297/2010, arising out of Barachatty (Mohanpur) P.S. Case No.
64/2010.

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(Sudhir Singh, J)