

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23171 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI

Saudagar Yadav, Son of Govind Yadav, resident of village- Salemabad,
P.S.- Sahebpur Kamal, District- Begusarai
Petitioner

Versus

The State of Bihar
..... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 03-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Sahebpur Kamal P.S. Case No. 48 of 2015 for the offences
instituted under Sections 147, 148, 149 and 302 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution story in brief, is that when informant
Kiran Devi returned after watching his filed in the night and
crossed the door of Radhey Sah, in the meantime petitioner along
with other co-accused came with arms and surrounded her
husband and on the direction of Indal Yadav catch hold her
husband and one Chhabila Yadav fired upon her husband which
was hit on his panjra and fell down and on way of hospital he died.

It has been submitted on behalf of the petitioner that

petitioner is in custody since 15.01.2016. Charge sheet has been submitted in this case. There is no criminal antecedent against the petitioner. There is no allegation of tampering of the witnesses against the petitioner. No motive has been alleged. The time of occurrence is said to be 12:30 in the night. No source of identification has been disclosed by the prosecution. As per the F.I.R. there is allegation of giving a single fire shot by the co-accused Chhabila Yadav. From perusal of the post mortem report, it is evident that there are two fire shot injuries on the body of the deceased i.e., two wound of entry and two wound of exit.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is alleged to have caught hold of the deceased.

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 A.C.J.M., 5th Begusarai, in connection with Sahebpur Kamal P.S. Case No. 48 of 2015.

(Sudhir Singh, J.)

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