

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46105 of 2015

Arising Out of PS.Case No. -93 Year- 2004 Thana -UDAKISHANGANJ District- MADHEPURA

1. Shambhu Yadav S/o Late Mahavir Yadav, Resident of Village -
Balaitha, P.s. - Basnahi, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

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

4 29-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C and section 27 of the
Arms Act.

The petitioner is named in the First Information
Report having allegation that he along with other FIR named
accused persons and 5-6 unknown committed murder of two
persons by making indiscriminate firing.

Submission is of false implication and that in this case
similarly situated other co-accused, namely, Manoj Mandal, Kamo
Mandal, Damodar Singh, Kailash Teli @ Das, Pulkit Mandal,
Prithvi Mandal and Sulo Sah @ Sulo Teli @ Sulva Sah have

already been allowed bail and the petitioner is suffering in custody since 04.06.2015 having no criminal antecedent.

The learned A.P.P. is not in a position to distinguish the case of the petitioner from other co-accused.

In the facts and circumstances as stated above, the petitioner is directed to 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 Additional Sessions Judge-II, Madhepura in S.Tr. No. 16 © of 2013 arising out of Udakishanganj P.S. Case No. 93 of 2004, 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.

(Jitendra Mohan Sharma, J)

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