

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55766 of 2015

Arising Out of PS.Case No. -124 Year- 2014 Thana -SHAKURABAD District- JEHANABAD

Surjdeo Yadav S/o Shyamu Yadav, Residence of village - Pati Bigha, P.S. Sakurabad, Distt. - Jehanabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rashmi Kumari Mandilwar, Advocate
For the Opposite Party/s : Mr. P.K.Choursiya(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-02-2016 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 offences punishable under sections 147, 148, 149, 324, 342, 506, 307 and 379 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, when the informant was sleeping in the hut at construction cite of sun temple, the petitioner and co-accused Raushan Yadav came there with fire arm and demanded the amount of collection and on refusal opened fire which hit in the left leg and that also caused injury in the right leg. The petitioner again shot but that was miss fire and then the informant gave Rs.25,000/- to the petitioner and three unknown persons were also there.



Submission is of false implication due to earlier dispute, the petitioner has lodged Sakurabad P.S. Case No.132 of 2009 against the grand son of the informant and to put pressure the petitioner and his son have been implicated in this false case, during investigation, independent witnesses, namely, Lalan Ram and Nagmani Thakur vide paragraphs 6 and 7 have stated that unknown person have opened fire and took away Rs.25,000/-, only one injury has been found in the leg of the informant and, as such, the petitioner, who is suffering in custody since 29.9.2015, deserves sympathetic consideration.

The learned A.P.P. fairly submits that independent witnesses have not supported the prosecution version.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, above named, 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 A.C.J.M., Jehanabad in connection with Sakurabad P.S. Case No.124 of 2014, subject to the conditions that one of the bailors must be 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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