

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58087 of 2015

Arising Out of PS.Case No. -271 Year- 2012 Thana -DAUDNAGAR District- AURANGABAD

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Ashok Yadav, son of Sri Tapeswar Yadav @ Tapeswar Singh, resident of village Makhara, P.S.- Daudnagar, in the district Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma

For the Opposite Party : Mr. M. Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seeks bail in connection with Daudnagar
P.S. Case No. 271 of 2012 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code & Sec. 27 Arms Act.

Allegedly, Sudesh Kumar Singh, the uncle of the
informant with Janeshwar Yadav was returning to the house with
motorcycle bearing No. BR26/5999 and in the meantime, Umesh
Yadav, Rabindra Yadav and one unknown overtook the motorcycle of
the uncle of the informant and Umesh Yadav opened fire twice,
resulting the uncle of the informant fell down and further Umesh Yadav
opened fire upon the informant but he was saved luckily and after
assemblance of nearby person, the miscreants fled away.

Submission is of false implication and that the petitioner
in not named in the F.I.R., from F.I.R. it is evident that Umesh Yadav is

the assailant, only on the basis of confessional statement, petitioner has been implicated in this case, there is no legal and tangible material against the petitioner and he is suffering in custody since 23.08.2015.

Learned A.P.P. submits that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that petitioner was not put on T.I.P. and chargesheet has already been submitted and as such 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 like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case 271 of 2012, subject to 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.)

Rajiv/-

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