

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4075 of 2016

Arising Out of PS.Case No. -356 Year- 2015 Thana -BUXAR District- BUXAR

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1. Raju Yadav S/O Jagnarayan Yadav, resident of Vill- Basauli, (Chhotaki Basaili) P.S. & Dist.- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakritita Sharma

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 12-04-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 341, 326, 302 and 120 B of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and other five co-accused opened indiscriminate firing upon Manmohan Singh, the brother of the informant, and other co-accused were instigating to kill him. It is also alleged that in committing the crime there is conspiracy of other co-accused also.

Submission is of false implication and that there is no specific allegation against the petitioner, the allegation is omnibus

and general in nature, during investigation the informant in his further statement and other witnesses have stated the name of ten accused along with 2-3 unknown and they were instigating for opening fire and in this case other co-accused, namely, Raju Thakur, Ram Pravesh Singh, Chandan Singh, Pradeep Keshri and Narendra Kumar Pathak @ Nagendra Kumar Pathak @ Narendra Kumar @ Nagendra Kumar @ Dablu Pathak have already been allowed bail and the petitioner is suffering in custody since 23.09.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner has got three more criminal cases and prayer for bail of co-accused Banti Tiwary @ Indra Kant Tiwary has already been rejected.

In the facts and circumstances as stated above, considering that there is no specific allegation against the petitioner, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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 C.J.M. Buxar in Buxar (Town) P.S. Case No. 356 of 2015, 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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