

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50540 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -SONBERSA District- SAHARSA

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Chandra Shekhar Yadav @ Ghosh, Son of Bhumi Yadav, Resident of
village- Manori, P.S.- SONBARSA Rai, District- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj singh, Advocate
Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.07.2016 in connection with Sonbarsa Raj Sessions Trial No.
140/2016 arising out of P.S.Case No. 86 of 2015 registered for the
offence punishable under Sections 302, 379 and 34 of the Indian
Penal Code and Section 27 of Arms Act.

The prosecution case as lodged by the informant is
that all F.I.R. named accused persons including the petitioner
armed with deadly weapons came and surrounded his house and
accused Sanjeet Yadav and Ranjit Yadav had taken Rs. 50,000/-
and other accused persons assaulted the brother of the informant
Mukesh Yadav and father Deep Narain Yadav through butt of
three nut and on the order of the petitioner, namely,
Chandrasedhar Yadav @ Ghosh, other accused Dilip Yadav and



Karu Yadav @ Harisarnam Yadav fired on Mukesh Yadav, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to previous enmity. It has further been submitted that no overt act has been alleged to be committed by the petitioner and the allegation of opening fire is against co-accused Dilip Yadav and Kari Yadav. He further submits that no specific allegation of assault has been attributed against the petitioner. He submits that charge sheet has already been submitted , although the trial has not yet began and that some of the accused against whom no allegation of assault has been alleged, has since been granted the privilege of bail in Cr. Misc. No. 41544 of 2016 dated 04.10.2016 and Cr. Misc. No. 42515 of 2016 dated 06.10.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and does not have a clean antecedent, as many as six cases are pending against him, hence, opposes the prayer for bail.

Considering the facts and circumstances and submission of the parties, since charge sheet has already been submitted against the petitioner and other accused have been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten



thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 1st, Saharsa in connection with Sonbarsa Raj Sessions Trial No. 140 of 2016 arising out of P.S.Case No. 86 of 2015, subject to the conditions that one of the bailors must be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court and that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled. This is subject to the further condition that the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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