

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49043 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -ALOU LI District- KHAGARIA

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Naresh Yadav Son of Chandeshwari Yadav Resident of Village Bhikhari
Ghat, Police Station Allauli, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection with
Alauli P.S. Case No. 62 of 2015 pending in the court of learned
Sri T.K. Jha, learned Judicial Magistrate, 1st Class, Khagaria for
the offences instituted under Sections 341, 323, 504, 506, 307
and 34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution, it is appears that on 05.02.2015
at about 07:30 pm the informant was going to sleep on his dalan,
which was situated at some distance of his house, meantime,
accused persons came there and started abusing the informant.
The co-accused Rajdeep Yadav caught hold both the hands of the
informant and co-accused Nand Kumar with butt of riffle started



assaulting the head of the informant. Naresh Yadav (petitioner herein) opened fire on the waist of the informant from behind. The informant has further alleged that after sustaining fire arm injury, he fell down and on 06.05.2015 he gained his sense and he found himself admitted in a hospital. It is further alleged that the motive of the alleged occurrence was assigned that the elder brother of the informant Siya Sharan yadav was witness of Alauli P.S. Case No. 72 of 2005 and on 18.01.2015 and 19.01.2015 he had deposed in the aforesaid case. Earlier they had given threat for not deposing in the aforesaid case.

It has been submitted on behalf of the petitioner that he has been falsely implicated in the present case. The alleged occurrence took place on 05.02.2015, the fardbeyan was recorded on 07.02.2015 and the case was instituted on 13.03.2015. There is no explanation on behalf of the prosecution in respect to delay in instituting the case. From the perusal of the case diary, it appears that there is no injury report of any doctor to support the allegation made in the F.I.R. .

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of

their arrest or surrender before the learned court below within a period of six weeks from today in connection with Alauli P.S. Case No. 62 of 2015 on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sri T.K. Jha, learned Judicial Magistrate, 1st Class, Khagaria subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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