

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3893 of 2016

Arising Out of PS.Case No. -169 Year- 2008 Thana -SALKHUA District- SAHARSA

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Bipin Yadav Son of Yoga Yadav @ Yugeshwar Yadav resident of Village-
Chanan, P.S.- Salkhua, District- Saharsa, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay

For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 12-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Salkhua
P.S. Case No. 169 of 2008 registered for the offences punishable
under Sections 147, 148, 149, 302, 307, 364 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, there has been exchange of firing in which
the husband of the informant received fire arm injury and died and
the name of the petitioner and other co-accused have been given in
the fardbeyan that they have caused the death of husband of the
informant.

Submission is of false implication and that there was
firing and counter firing between two groups with regard to
cutting of bamboo, there is general and omnibus allegation about
firing and in this case similarly situated other co-accused namely,

Sumant Yadav, Sudeep Kapar, Panjay Yadav, Pappu Yadav and Sudhir Yadav have already been allowed bail by different co-ordinate Benches of this Court and the petitioner is suffering in custody since 27.08.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. is not in a position to distinguish the case of the petitioner from other co-accused.

In the facts and circumstances stated above, the petitioner, above named, is also 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 the Learned C.J.M., Saharsa arising out of Salkhua P.S. Case No. 169 of 2008 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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