

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9363 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

Deo Charan Yadav @ Dev Charan Yadav Son of late Karu Yadav Resident
of Village- Goraur P.S. Chhabilapur, District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 25-04-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence
punishable under section 396 of the Indian Penal Code and 27 of
the Arms Act.

Allegedly unknown miscreants, after assaulting the
father of the informant and causing fire arm injury to Pinki
Kumari the minor girl and also to Mohi Yadav who died in the
way to hospital, committed dacoity and took away cash and
ornaments. During investigation, the name of the petitioner also
transpires in the statement recorded under Section 164 Cr.P.C. of
Sunaina Devi and Sumitra Devi.



Submission is of false implication, Sunaina Devi has filed Complaint Case No.339 C of 2015 wherein she has named only Mohi Yadav and Ashok Yadav and not the petitioner, statement of Sunaina Devi and Sumitra Devi have been recorded on 27.05.2015 wherein first information report was lodged on 24.03.2015, the petitioner is in custody since 16.03.2015 but he has not been put on T.I.P, the daughter of the petitioner namely Sharmila Devi has lodged a case under Sections 376, 511/34 I.P.C. against Mohi Yadav, deceased and Subodh Yadav in the year 2008 which is pending vide Sessions Trial No.46 of 2010 and only with a view to give lesson and harass the petitioner has been implicated, the petitioner is an old man aged about 65 years having no criminal antecedent and as such he deserves sympathetic consideration. Co-accused Ramesh Yadav has been allowed pre-arrest bail by the learned court below itself and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that prayer of bail of co-accused Ashok Yadav and Suresh Rajbanshi have already been rejected by this Court and the name of the petitioner has come in the statement recorded under Section 164 Cr.P.C.

In the facts and circumstances stated above, considering the old enmity between the petitioner and the

informant side and further that the name of the petitioner has come after much delay and as such he is 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 7th Additional Sessions Judge, Nalanda in connection with Sessions Trial No.33 of 2016 arising out of Chhabilapur P.S. Case No.35 of 2015, 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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