

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9527 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -KASIMBAZAR District- MUNGER

=====

Dasrath Yadav @ Baihara, Son of Gajo Yadav resident of Mohalla -
Sadipur, P.S. Kotwali, District – Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 28-04-2016

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner is accused in connection with Kasim Bazar P.S. Case No. 153 of 2015, registered under Sections 302/34, 379 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation of informant Sudin Kumar Yadav is that on 27.08.2015 at about 11.00 P.M., in the night, when he was coming to his house after discharging his works from Badi Bazar, Munger, when he reached at Kaura Maidan in front of a grocery shop of Bobby then he saw five persons including the petitioner and two unknown reached there. In the meantime, Arbind Kumar @ Tota Yadav, uncle of the informant, also reached there and started to talk to them. In that course, petitioner shot fire at his uncle Arbind Kumar @ Tota Yadav, who fell down. Thereafter, informant made alarm and all the accused

persons fled away along with the motorcycle of his uncle.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the occurrence is said to be happened at 11.00 P.M. in the night. There is no eye-witness of the occurrence and only informant claimed to see the occurrence at 11.00 P.M. in the night. Further submission is that Post-mortem report reveals that two entry and two exit wounds were found on the person of the deceased, but it has not been appeared from the F.I.R. that this petitioner shot fire twice. Further submission is that, in fact, due to enmity, this petitioner has falsely been implicated in this case. Further submission is that informant has disclosed the name of one Ravi Yadav, as an accused, but later on, he filed an application before the S.P. Munger showing him innocent and, accordingly, the Final Form has been submitted. The petitioner is in custody since 26.09.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 153 of 2015.

(Rajendra Kumar Mishra, J.)

manish/-

U		T	
---	--	---	--