

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14703 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

1. Dhanji Yadav @ Dhananjay Yadav Son of Sri Lal Bahadur Yadav
resident of Mohalla - Shital Tola, Police Station - Ara Town, in the district
of Bhojpur Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

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

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

ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in a case registered under
sections Ara (Town) P.S. Case No. 169 of 2015 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The petitioner is not named in the first information
report wherein it is alleged that Narendra Kumar @ Narayan along
with 5-6 unknown persons opened fire upon Deepak @ Bipin
Kumar the brother of the informant, resulting his death. During
investigation the name of the petitioner transpired in the statement
of witness Sujeet Kumar Singh that the petitioner was also present
at the time of occurrence along with other co-accused and
assailant was Narayan @ Narendra and further co-accused Robin

Samual in his confessional statement also took the name of the petitioner.

Submission is of false implication and that the witness due to enmity has named the petitioner, the informant has filed petition in the court learned C.J.M., Bhojpur on 14.05.2016 stating about the innocence of the petitioner, moreover, from the statement of that witness also or confessional statement of co-accused the petitioner is not the assailant and he is suffering in custody since 04.02.2016.

Learned APP submits that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named 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 the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara (Town) P.S. Case No. 169 of 2015, subject to the conditions that one of the bailors must be a 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.

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(Jitendra Mohan Sharma, J)