

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48814 of 2015**

Arising Out of PS.Case No. -43 Year- 2014 Thana -SANGRAMPUR District- MUNGER

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1. Kaila @ Kailash Yadav Son of Mohan Yadav, Resident of Village -  
Malchak, P.S. - Harpur, District - Munger.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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

4      28-01-2016                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner seeks bail in connection with Sangrampur P.S.  
Case No. 43 of 2014 registered for the offences punishable under  
Sections 302/34 of the Indian Penal Code, Section 27 of the Arms  
Act and Sections 3(x) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, three unknown miscreants took away Shiv  
Kumar Das, the husband of the informant, and thereafter, he was  
shot dead. During investigation after seven months of the  
occurrence name of the petitioner and co-accused Patali Yadav  
transpired that in MANREGA scheme there was altercation and  
both have caused threats to the deceased vide paragraph 9, 10, and  
11 of the supplementary case diary.

Submission is of false implication and that Patali Yadav

faced trial and he has been acquitted as all the witnesses have turned hostile and the petitioner is suffering in custody since 23.06.2015.

Learned Special PP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that similarly situated co-accused has already been acquitted, 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 Additional Chief Judicial Magistrate II, Munger in connection with Sangrampur P.S. Case No. 43 of 2014, 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.

**(Jitendra Mohan Sharma, J)**

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