

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27613 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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Dasrath Yadav @ Baihara son of Gajo Yadav resident of Mohalla- Sadipur
Yadav Tola, P.s.- Kotwali, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 17-09-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

The informant claims that when he having heard the
sound of firing came out of his house, he noticed his son lying in
pool of blood in a street and also saw the petitioner fleeing from
the place of occurrence. The informant further claims that
petitioner and other 14 F.I.R. named accused got eliminated his
son. The police after investigation found the accusation untrue in
respect of rest 14 F.I.R. named accused persons whereas submitted
charge sheet against the petitioner.

No doubt, there was previous enmity between the parties but from perusal of entire case diary, I find that not a single witness claimed to have seen the petitioner committing the alleged crime and almost all the witnesses have stated only to this extent that petitioner having pistol in his hand was fleeing from the place of occurrence. The investigation against the petitioner has already been completed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 5th Additional Sessions Judge, Munger in connection with Sessions Trial No. 43 of 2016 arising out of Kasim Bazar P.S. Case No. 168 of 2015.

(Hemant Kumar Srivastava, J)

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