

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29338 of 2016**

Arising Out of PS.Case No. -198 Year- 2015 Thana -MANSI District- KHAGARIA

=====

Arun Yadav, son of Ram Swaroop Yadav Resident of Village -  
Thatha, P.S. - Mansi, District - Khagaria.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Siddhartha Prasad, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

3      02-09-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody in connection  
with Mansi P.S. Case No. 198 of 2015 for the offences instituted  
under Sections 147, 148, 149, 341, 302 of the Indian Penal Code  
and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the  
informant along with his brother were returning after cutting grass  
from the field, all of a sudden the petitioner along with other co-  
accused, having armed with country made pistol surrounded the  
brother of the informant and fired on the head of the brother of the  
informant, due to which, he fell down on the ground. Thereafter  
co-accused Bucchi Yadav and petitioner shot fire on the chest of

the deceased as a result of which, the deceased died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.12.2015. The charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. It is further submitted that co-accused namely Ranbir Yadav, Pappu Yadav and Malik Yadav are said to have fired on the head of the deceased. The said allegation is corroborated by the postmortem report. The petitioner and one Bucchi Yadav is said to have fired on the chest of the deceased. It is further submitted that there is only one gun shot injury on the chest of the deceased and subsequently, the F.I.R. named witness Subhash Yadav has been examined, who disclosed in para-50 of the case diary that the petitioner had fired on the buttock of the deceased. There is no injury on the buttock of the deceased, as per postmortem report. It is further submitted that prior to the institution of the present case, the brother of the petitioner was murdered by the deceased and the father and brother of the petitioner had deposed against the deceased and the deceased was convicted and for the said reason, he has falsely been implicated in the present case.

On behalf of the state, it has been submitted that the

petitioner is named in the First Information Report and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing 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, Khagaria, in connection with Mansi P.S. Case No. 198 of 2015, G.R. No. 2385 of 2015.

**(Sudhir Singh, J.)**

Amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|