

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53007 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -DULHIN BAZAR District- PATNA

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1. Satendra Prasad Yadav @ Satendra Yadav, son of Late Sarjug Yadav,
resident of Village- Shailhari Bagh, P.S.- Dulhinbazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
19.05.2016 in connection with Sessions Trial No. 549 'A' of 2016
arising out of Dulhinbazar P.S.Case No. 141 of 2015 registered for
the offence punishable under Sections 147, 148, 149, 341, 302,
120-B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as lodged by the informant is
that while the informant along with his family members were
attending the Ganpati Puja, some co-accused named in the F.I.R.
and on instigation of Shyam Deo Yadav, another co-accused Sunil
Vishwakarma fired upon his son Udai Kumar on which his son
succumbed to the injuries.



It has been submitted by the learned counsel for the petitioner that he is innocent and named in the F.I.R. on the confessional statement of the co-accused, Sunil Vishwarkarma, who fired upon the son of the informant, who has taken the name of the petitioner that he had supplied the pistol to the said co-accused. He submits that no case under Section 302 of the Indian Penal Code is made out against the petitioner and charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner has a criminal antecedent in which he has been convicted, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case and submission of the parties as well as the materials available, and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and sessions Judge- IV, Danapur, Patna in connection with Sessions Trial No. 549 'A' of 2016 arising out of Dulhinbazar P.S.Case No. 141 of 2015 subject to the condition that one of the bailors must be a close relative of the



petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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