

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33054 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Subodh Yadav Son of Suresh Yadav Resident of Mohalla- Badhauri By -
Pass Road, P.S. And District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Sheikhpura P.S. Case No. 152 of 2016 registered for the offence

punishable under Section 307 and other allied sections of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the

informant was going to sell milk to Sudaspur, he was surrounded

by the petitioner and other accused persons and petitioner stated

that he will kill the informant and fired from his pistol, which did

not hit him. It is alleged that co-accused Abodh Yadav assaulted

the informant by means of Gaita of iron, as a result of which the

informant received injuries in his hand and co-accused Suresh

Yadav assaulted the informant by means of Gaita of iron, as a result of which the informant's right leg got injured.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. He submits that no offence is made out against the petitioner as it is alleged that there was single fire from petitioner's pistol, which did not hit the informant. He submits that other injuries caused on the person of the informant are not attributed to the petitioner.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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 Chief Judicial Magistrate, Sheikhpura in connection Sheikhpura P.S. Case No. 152 of 2016, G.R.No. 573/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that since the petitioner does not have clean antecedent, he will cooperate with the

investigation and appear before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates, if required, without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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