

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2011 of 2016

Arising Out of PS.Case No. -186 Year- 2014 Thana -BARARI District- KATIHAR

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Brahmdeo Yadav @ Brahmdeo Prasad Yadav S/o Late Bidhyanand Yadav
R/o Sukhasan, P.S. Barari, Distt. - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 20-07-2016

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
147, 148, 149, 341, 323, 324, 504, 407, 326, 354, 302 of the
Indian Penal Code and 27 of the Arms Act.

It is alleged that the petitioner came armed
with double barrel gun along with 12 accused persons and gave
life threatening to the informant. On alarm being raised by the
informant, the villagers came to the place of occurrence, the
petitioner resorted to fire on the informant which hit Arun Yadav,
Manish Yadav and Guddi Devi. Subsequently, Guddi Devi

succumbed to injury.

It is submitted by learned counsel for the petitioner that as per the accusation petitioner had no intention to cause any injury to the three injured and accidentally Guddi Devi received injury with the stray pellets. Moreover, the injured was not given proper treatment as a result she died after five days of the occurrence. Hence, even assuming the accusation no case under Section 302 IPC is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

A report was called for from the learned trial court vide order dated 29.06.2016. The report of the learned trial court dated 14th July, 2016 suggests that no witness has been examined till date. Hence, there is no likelihood of conclusion of the trial in near future and the petitioner is languishing in custody since 18.11.2014.

Considering the aforesaid facts, let the above named 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 learned Additional Sessions Judge 3rd, Katihar in connection with Sessions Trial No. 117 of 2015 arising out of Barari P.S. Case No. 186 of 2014.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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