

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9377 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -PASRAHA District- KHAGARIA

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1. ARVIND YADAV S/o Chandrika Yadav, R/o Village- Ganaul, P.S.-
Bhabanipur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 25-04-2016

Heard learned counsel for the petitioner, learned A.P.P.

representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with Pasraha
P.S. Case No. 74 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other F.I.R. named
accused persons killed Mithilesh Yadav, the brother of the
informant which was seen by Dilkhush Kumar, the younger
brother of the informant. During investigation the statement of
Dilkush Kumar has been recorded vide para 37 of the case diary
wherein he has stated that Arbind Yaadv shot his brother which hit
the neck near arm of his brother and thereafter, Pawan Yadav
assaulted with spade causing injury on his arm and the petitioner
and his sons were present there armed with three-nut- and
thereafter they fled away after opening fire.

Submission is that as per the statement of Dilkhush Kumar, petitioner is only a member of the mob, he is not the assailant and, as such, he deserves sympathetic consideration, further the slipper found at the place of occurrence was not of the petitioner.

The learned A.P.P. duly assisted by the learned counsel for the informant submits that as per the statement of Dilkhush Kumar, the petitioner is only a member of the mob.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Prakash learned A.C.J.M.-II, Khagariya in connection with Pasraha P.S. Case No. 74 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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