

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16108 of 2016

Arising Out of PS.Case No. -197 Year- 2000 Thana -DULHIN BAZAR District- PATNA

=====

Bimal Yadav @ Bimal Kumar @ Bimal, sons of Pannu Yadav, resident of
Village Sarkuna, P.S. Dulhin Bazar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in custody since 17.02.2014 in
connection with Dulhin Bazar P.S. Case No. 197 of 2000 for the
offences alleged under Sections 147, 148, 149, 307 and 302 of the
Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case as stated by the informant Ajit
Kumar, alleging therein, that on 25.10.2000 at about 7-8 A.M.
when he went to Beldari Tola to call Nata Bind for cultivation of
his field, he saw the petitioner, Daroga Yadav, Ram Pratap Yadav,
Lallan Yadav, Pramod Yadav, Dharikshan Yadav, Achal Narayan
Yadav and Subhash Yadav along with some unknown persons
armed with rifle. It was further alleged that Daroga Yadav ordered

to kill him, on which, the petitioner fired from his rifle, which hit on the back of the informant and he fell down. On hearing the sound of firing, co-villagers came there and accused persons fled away from the place of occurrence. It is also alleged that there was enmity between the parties and so the petitioner fired upon him with intention to kill.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated due to previous long drawn enmity. He submits that the date of occurrence is 25.10.2000 and time is 7 to 8 A.M. as stated by the informant and the victim-deceased has lodged the First Information Report on the basis of fardebeyan at 10 A.M. He further submits that although the First Information Report has been lodged on 25.10.2000 but registered at 5.00 P.M. He points out that the post mortem report, which shows that the dead body was received at 2.45 P.M. and the injury, which caused death of the deceased is by no stretch of imagination, could the informant be able to give his fardbeyan as the injury, which has been found to be inflicted on the deceased would cause instant death. He further submits that the petitioner has been in custody since more than two years but has not yet been committed to the Court of Sessions.

However, learned A.P.P. for the State submits that the allegation upon the petitioner is specific, hence, opposes the prayer for bail.

Considering the post mortem report, the nature of injury and the fardbeyan, which was of the deceased himself and that the petitioner has not yet been committed to the Court of Sessions, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 197 of 2000.

This is subject to the condition that one of the bailors will be a close relative of the petitioner and the petitioner will appear before the Court/police as and when required and failure to appear on two consecutive dates will be liable for cancellation of his bail bonds by the learned Court below without being prejudiced with this order. He further undertakes not to abscond or flee away.

(Nilu Agrawal, J)

Vats/-

U		T	
---	--	---	--