

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24556 of 2016**

Arising Out of PS.Case No. -44 Year- 2016 Thana -KURSELA District- KATIHAR

=====

1. Amar Yadav S/o Late Rasik Yadav R/o Kataria, P.S.- Kursela, Dist.- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

with

**Criminal Miscellaneous No.24558 of 2016**

Arising Out of PS.Case No. -44 Year- 2016 Thana -KURSELA District- KATIHAR

=====

1. Niwas Yadav @ Niwas Kr. Yadav S/o Bangta Yadav R/o Kataria, P.S.- Kursela, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

(In Cr.Misc. No.24556 of 2016)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Dasrath Mehta(App)

(In Cr.Misc. No.24558 of 2016)

For the Petitioner/s : Mr. Ramesh Chandra Sinha, Adv.

Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dasrath Mehta(App)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

4 18-07-2016

Both the above stated petitions have arisen out of Kursela P.S. Case No. 44 of 2016 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 25(1-b)a, 27 of the Arms Act and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are named in the first information report. The informant claims that he came to know about the alleged occurrence from one Bambam Sahni, whose statement under Section 161 of the Cr.P.C. was recorded at para-11 of the case diary and in that statement he does not disclose who fired on the deceased but in his statement recorded under Section 164 of the Cr.P.C. the said witness claims that it was petitioner in Cr. Misc. No. 24558 of 2016, who shot fire of rifle causing injury on the abdomen of the deceased. It is pertinent to note here that the alleged occurrence took place on 07.04.2016 and the statement of informant was recorded on 08.04.2016 and in his ferdbeyan, the informant also claimed that aforesaid co-accused, Bambam Sahni had disclosed before him that it was petitioner in Cr. Misc. No. 24558 of 2016 who had shot fire on the deceased.

So far as petitioner in Cr. Misc. No. 24556 of 2016 is concerned, he appears to be only a companion of accused Niwas Yadav and no specific overt-act has been attributed against the petitioner in Cr. Misc. No. 24556 of 2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner in Cr. Misc. No.

24556 of 2016, namely, Amar Yadav is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 44 of 2016.

**So far as prayer for bail of petitioner in Cr. Misc. No. 24558 of 2016, namely, Niwas Yadav @ Niwas Kr. Yadav is concerned, the same stands rejected.**

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|