

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15987 of 2016

Arising Out of PS.Case No. -133 Year- 2014 Thana -BIHIYA District- BHOJPUR

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1. Pappu Yadav Kumar @ Pappu Kumar @ Kumar @ Pappu Yadav S/O
Mukhan Yadav R/O Village- Mahuwan, P.S.- Bihiya, District-Bhojpur.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

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

ORAL ORDER

5 12-07-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Bihiya P.S.
Case No. 133 of 2014 registered for the offences punishable under
Sections 341, 307/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly, after being instigated by co-accused Anghiti
Yadav, co-accused Munni Devi brought pistol from the house and
gave to the petitioner and the petitioner fired upon the informant
causing injury on his right eye.

Submission is of false implication due to land dispute, eye
of the informant has not been damaged, after investigation two of
co-accused have found innocent and petitioner has been made
scapegoat, the petitioner is in custody since 31.07.2015 and by

remaining in custody he has sufficiently been penalized, there is no allegation that the petitioner has repeated the firing and as such offence under Section 307 IPC is not made out.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of custody and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P.S. Case No. 133 of 2014, subject to the conditions that one of the bailors must be a 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.

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(Jitendra Mohan Sharma, J)

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