

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51872 of 2015

Arising Out of PS.Case No. -145 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

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Shravan Yadav, son of Jhojhan Yadav @ Prithibi Chand Yadav, resident of
village- Larjhaghat, Police Station- Bithan, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Bithan
P.S. Case No.145 of 2013 registered under Sections 302/34 of the
Indian Penal Code and subsequently added Sections 379 and
120(B) of the Indian Penal Code besides Section 27 of the Arms
Act and Sections 3/4 of the Explosive Substance Act.

The allegation of the informant, Shatrughan Yadav, is
that 8 persons including the petitioner came on four motorcycles
armed with pistol at the shop of his son, Pankaj Yadav, where four
persons, who were sitting on the back of the motorcycle, fired at
Pankaj Yadav. When Pankaj Yadav tried to save himself running

towards the tea shop of Mukhiya, then firing was also made in which one Kamlesh Yadav also sustained firearm injury. Pankaj Yadav and Kamlesh Yadav, were taken to the hospital for treatment but they were declared dead by the doctor.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is the relative of Sikandar Yadav and the deceased Pankaj Yadav was accused in the case of murder of Sikandar Yadav, due to that reason, the petitioner has falsely been implicated in this case, which has come in the statements of the witnesses in paragraphs-57, 58 and 59 of the case diary. Moreover, no specific role has been attributed to the petitioner and only two injuries were found on the person of the deceased Pankaj Yadav and one injury was found on the person of the deceased Kamlesh Yadav. The petitioner having no criminal antecedent is in custody since 14.06.2015 and the chargesheet has already been submitted by the police in this case.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Rosara (Samastipur), in connection with Bithan P.S. Case No.145 of 2013. Out of the two sureties, one must be close

relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

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