

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35147 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MARANCHI District- PATNA

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Nitish Yadav @ Mutari Yadav @ Muhari Yadav Son of late Kishun Yadav
Resident of Village-Sherpur P.S. Maranchi District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 18-11-2016

Heard the counsel for the petitioner.

No one appears on behalf of the State.

The petitioner prays for grant of bail in Maranchi P.S.

Case No. 17 of 2016 registered under section 302/34 IPC as well
as section 27 of the Arms Act.

The prosecution case, in short, is that on the date of
occurrence the son of the informant had gone to the bank of river
Ganga for fishing when all the accused persons named in the FIR
killed him by means of fire-arms.

It is submitted that even going by the averments made in
the FIR, the informant is not an eye-witness to the occurrence. He
has made general and omnibus allegation that all the accused
persons committed the murder of his son. The charge-sheet in the
case has already been submitted and the petitioner is languishing
in jail custody since 22.04.2016 having no criminal antecedents.

Mr. Pandey handed in three web copies of the orders

passed by the coordinate bench(s) of this Court in Cr. Misc. Nos. 33056 of 2016, 45403 of 2016 and 35515 of 2016 and submitted that those accused persons who are identically placed have since been released on bail. He also read out paragraph 106 of the case diary wherefrom it appears that a confession was made by the petitioner that the co-accused Ajay Yadav had fired twice at the deceased.

Considering the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class (Sri Deepak Kumar) Barh, Patna in Maranchi P.S. Case No. 17 of 2016 on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge, the petitioner shall appear personally on each date fixed at the trial. In case he skips his appearance thereat on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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