

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51323 of 2015

Arising Out of PS.Case No. -5 Year- 2012 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Nunulal Yadav @ Nunu Yadav son of late Bhagwat Yadav resident of Village Mahakhar, P.S. Bakhtiyarpur, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. M.K. Khare (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 26-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 324, 307, 448 and 504 of the I.P.C and sections 25 (1-b) A, 26 and 27 of the Arms Act.

Allegedly, the petitioner shot Ganesh Yadav, the son of the informant, in the room and when he and other co-accused were fleeing away the informant saw them and later on co-accused Ramesh Yadav was caught with pistol.

Submission is of false implication and that the petitioner was not caught on the spot, no fire arm was recovered from his possession, there was no intervening circumstance and as such the offence under section 307 of the I.P.C. is not made out,

the petitioner is suffering in custody since 26.07.2012 and other co-accused have been allowed bail.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering detention of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge, Saharsa in S.T. No. 331 of 2013 arising out of Bakhtiyarpur P.S. Case No. 05 of 2012, 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.

(Jitendra Mohan Sharma, J)

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