

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48576 of 2015

Arising Out of PS.Case No. -134 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD

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1. Bhola Yadav @ Kailash Yadav Son of Pannu Yadav, Resident of Mohalla- Nalband Tola, P.S. Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Opposite Party/s : Mr. Dr. Indihar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-03-2016 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, 302, 379 and 295 (A) of the I.P.C and section 27 of the Arms Act.

Allegedly, when Md. Teju Quraishi was returning with animals he was assaulted by the villagers of Bhagwan Bigha with Lathi and Danda and some animals were looted away and when the mohalla people were going to give information at the police station other eight FIR named accused persons started opening fire causing injury to Md. Azad Quraishi, Md. Ibrahim Quraishi and Md. Faiyazul Haque. Thereafter the petitioner opened fire causing injury to Md. Saddam Quraishi and Md.

Kamran Quraishi and in course of treatment Md. Saddam Quraishi died.

Submission is that for the same occurrence three First Information Reports have been lodged, earlier one is lodged by SHO, Daudnagar Police Station bearing Daudnagar P.S. Case No. 133 of 2015 and this one is second one and third one has been filed by Ramesh Kumar bearing Daudnagar P.S. Case No. 135 of 2015. From the First Information Report lodged by the police officer it reveals that the members of two communities numbering 500 from each communities assembled and started quarreling with each other wherein several persons were seriously injured and the petitioner Bhola Yadav @ Kailash Yadav was also seriously injured and was brought for treatment at Sadar Hospital, Aurangabad by the police. During investigation the witnesses vide paragraphs- 8, 9, 50, 51 and 52 of the case diary have not stated the name of the petitioner that he opened fire and the petitioner being constable has been falsely implicated resulting he is suffering in custody since 21.05.2015 having no criminal antecedent.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is named in the FIR as the assailant and during investigation the informant in his further statement and

further witness Tahid Quraishi have stated that the petitioner shot Md. Saddam Quraishi and Md. Kamran Quraishi resulting Md. Saddam Quraishi died.

In the facts and circumstances as stated above, considering the different versions emerging from the three different First Information Reports and further that some of the witnesses have not stated the name of the petitioner and the petitioner has himself received injury in the occurrence and as such 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 S.D.J.M. Daudnagar, Aurangabad (Bihar) in Daudnagar P.S. Case No. 134 of 2015, 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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