

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52401 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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Nand Kishor Yadav Son of Manghat yadav Resident of Village-Arraha,
Ward No.8, P.S.-Sour Bazar, District-Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
22.08.2016 in connection with Sour Bazar P.S. Case No. 110 of
2016 registered for the offence punishable under Sections 147,
149, 341, 323, 324, 354, 379, 427, 504 and 506 of the Indian Penal
Code and later on Section 307 of the Indian Penal Code has been
added.

The prosecution case, as lodged by the informant, is
that he along with his elder brother, Surya Narain Yadav and his
son, Agren Yadav and Pankaj Yadav had gone to maize field for
irrigation where he saw one Gayatri Devi damaging his maize
crop and on objection, said Gayatri Devi called her people,



including the petitioner and allegation is that some persons opened fire and assaulted the informant's side. Allegation upon the petitioner is of assaulting Agren Yadav and Surya Narain yadav.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there was quarrel between both sides for which petitioner's side has lodged Sour Bazar P.S. Case No. 109 of 2016 against the informant's side and the present case is afterthought and counter blast to the said case, which was lodged for the same occurrence. It has further been submitted that the injuries alleged to have been caused by the petitioner on the two persons of the informant's side have been found to be simple and the other, which has been found to be grievous is not on the vital part of the body. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 110 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of the concerned police station and that petitioner will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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