

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2574 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -ALOULI District- KHAGARIA

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Pandav Yadav, S/o Nago Yadav (Pahalwan), Resident of Village-Alauli,
P.S.-Alauli, District-Khagaria Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 16-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Alauli P.S.
Case No. 165 of 2016 registered for the offences punishable under
Sections 364, 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the petitioner and other FIR named accused
persons being armed with rifle, gun and pistol attacked at the
house of the informant and abducted the husband of the informant,
the informant and her father-in-law and Dewar went behind them
requesting Ramanand Yadav, leader of the gang, to free her
husband, in front of Vijay Market the miscreants stopped the
informant and others, Ramanand Yadav gave order to kill and then
all the miscreants caught her husband and Dharamveer Yadav shot
her husband in left temporal region causing his death and the



miscreants after opening fire fled away towards south. The motive behind the occurrence is land dispute with Subodh Yadav the cousin son-in-law of Ramanand Yadav.

Submission is of false implication and that there is no specific allegation against the petitioner who was simply a member of mob, specific allegation is against Dharamveer Yadav and Ramanand Yadav, the petitioner was not present at that time and he has unnecessarily been made accused, he has got no criminal antecedent and as such he deserves sympathetic consideration. The petitioner is suffering in custody since 13.07.2016.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that all have opened fire and have taken away the deceased.

In the facts and circumstances stated above, considering the period of detention and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 165 of 2016, 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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