

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14089 of 2017

Arising Out of PS.Case No. -132 Year- 2013 Thana -BITHAN District- SAMASTIPUR

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1. Mukesh Yadav Son of Lalo Yadav Resident of Village- Bhikhari Ghat,
Police Station- Alauli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-06-2017 Heard both sides.

The petitioner seeks bail in Bithan P.S. case No. 132
of 2013 under Section 307 and other Sections of the Indian Penal
Code and under Section 27 of the Arms Act.

Sharmanand Yadav, the informant, alleged that on
14.11.2013 he was going along with Ram Dayal Paswan on a
motor cycle but when they reached near village Bahdiha Rajdeep
Yadav, Pramod Yadav, Mukesh Yadav, the petitioner, Binod
Yadav, Bipin Yadav and Jitendra Yadav, having armed with
pistols, surrounded them. Rajdeep Yadav opened fire which hit on
right armpit of informant. Binod Yadav and Mukesh Yadav also
fired which hit on his wrist and above wrist.

The learned counsel for the petitioner submits that



Rajdeep Yadav, who is alleged to have fired causing injury in the abdomen of the informant, has already been enlarged on bail vide order dated 10.11.2015 passed in S. T. No. 557 of 2015. Other accused persons have also been enlarged on bail. The petitioner is in jail since 01.10.2016.

The learned Additional Public Prosecutor, on the other hand, opposed the prayer for bail.

It appears that the learned Sessions Judge vide order dated 10.11.2015 passed in S.T. No. 557 of 2015 granted bail to Rajdeep Yadav on the ground that similarly situated accused persons have been enlarged on bail but the facts are otherwise.

Three persons namely, Rajdeep Yadav, Binod Yadav and Mukesh Yadav are said to have fired causing injury to the informant on his abdomen and right hand wrist. Other accused persons, namely, Bipin Yadav and Pramod Yadav did not allege to have fired and they were granted bail. The learned Sessions Judge has wrongly granted bail to Rajdeep Yadav on the ground that similarly situated accused persons have been granted bail.

The petitioner is in jail since 01.10.2016 and firing made by the petitioner hit on the right hand wrist of the informant. The petitioner is in jail for about eight months.



Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged 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 learned Assistant Sessions Judge, Rosera, Samastipur, in Sessions Trial No. 37 of 2017, arising out of Bithan P.S. Case No. 132 of 2013.

(Prabhat Kumar Jha, J)

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