

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32289 of 2017

Arising Out of PS.Case No. -15 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Shambhu Yadav S/o Narain Yadav resident of village - Dhamsaina, P.S. - Sour Bazar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 03-10-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa Sadar P.S.Case No. 15 of 2015 registered for offences punishable under Sections 394, 302 of the Indian Penal Code and 27 of Arms Act.

The prosecution case as lodged by the informant is that while he and his son were closing the kirana shop and the informant had moved to his house, he heard the sound of gun shot and found that his son had been killed by the four miscreants, who had come in two



motorcycles.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated on the confessional statement of co-accused, Gaurav Kumar Singh and Amit Paswan. He submits that no T.I.P. has been done so far although, the informant had seen the accused and that other co-accused have been granted privilege of bail by Co-ordinate Benches of this Court in Cr. Misc. No. 23489 of 2015 dated 01.10.2015, Cr. Misc. No. 36015 of 20`15 dated 27.08.2015 and Cr. Misc. No. 1950 of 2016 dated 04.03.2016. The petitioner is languishing in judicial custody since 18.05.2017.

However learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S.Case No. 15 of 2015, subject to the conditions that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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