

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37970 of 2017

Arising Out of PS.Case No. -225 Year- 2016 Thana -SULTANGANJ District- BHAGALPUR

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1. Binit Yadav Son of Dholak Yadav, Resident of Village- Bishari Asthan
Nayee Sidhi, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sultanganj P.S.
Case No. 225/2016 for offences punishable under Sections 307
and 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the injured
informant, is that while he was going to his house, the petitioner
along with others surrounded him and co-accused Kanbuchha
Yadav fired on him, resultantly, he sustained injury.

It has been submitted by the learned counsel for the
petitioner that he is innocent, was a member of the unlawful
assembly as alleged but firing was made by one Kanbuchha



Yadav. He submits that there is no specific allegation for any overt act against the petitioner and he has been falsely implicated. He further submits that some of the co-accused have been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 27065 of 2017 on 15.06.2017. He is in custody since 03.06.2017 and has been implicated only because Kanbuchha Yadav is his full brother.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as eight cases are pending against him, some for serious offences.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. Chief Judicial Magistrate, Bhagalpur, in connection with Sultanganj P.S. Case No. 225/2016, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear



before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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