

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2308 of 2017

Arising Out of PS.Case No. -212 Year- 2014 Thana -TEKARI District- GAYA

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Dashrath Yadav, son of Late Mahesh Yadav, resident of village-Mahmanna,
P.S. Tekari, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 17-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Tekari
P.S. Case No.212 of 2014 registered under Section 302 of the
Indian Penal besides Section 27 of the Arms Act.

The accusation is that on 27.07.2014 at about 04.00
A.M., the informant Bhagirath Yadav received phone of his
nephew Rambabu Yadav, who disclosed him that his father
Hiraman Yadav has died due to gun shot firing by an unknown in
the night at about 01.30 A.M. On receiving such information, the
informant went to village of his sister where he found his brother-
in-law dead sustaining firearm injury. The sister of the informant
was nervous and she, on query, disclosed that unknown person



had caused death of her husband but she did not raise suspicion against anyone.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the son and wife of the deceased stated about committing the murder of the deceased by an unknown to the informant and they have not raised any suspicion against anyone but, later on, the wife, son, daughter and sister-in-law of the deceased in their statement as recorded under Section 161 of the Code of Criminal Procedure, during investigation, have stated that they had seen Santosh Yadav, Pramod Yadav, Suresh Yadav, Dashrath Yadav (petitioner) and Panchu Yadav fleeing away from the place and at the time occurrence in the light of the torch. In fact, the petitioner is the co-villager of the deceased and due to grudge and enmity, the name of the petitioner has been disclosed by the wife, son, daughter and sister-in-law of the deceased. The petitioner having no criminal antecedent is in custody since 08.07.2016. Further submission is that the similarly situated co-accused Suresh Yadav has already been granted bail by a Bench of this Court vide order dated 11.12.2015 passed in Criminal Misc. No.52805 of 2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on



bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of the
Additional Chief Judicial Magistrate-VI, Gaya, in connection with
Tekari P.S. Case No.212 of 2014.

(Rajendra Kumar Mishra, J)

P.S./-

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