

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49259 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -BIKRAM District- PATNA

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1. Ajay Prasad Yadav @ Saheb Yadav, Son of Late Raj Balam Yadav
resident of Village- Dorawan Mathiya, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra -Advocate

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 09-02-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant, brother of deceased Sunil Kumar, had
filed written report on 06.06.2016, putting an allegation therein
that while he along with his brother Sunil Kumar and brother in-
law Dhiraj Kumar, cousin Shashi Yadav were returning to his
house over bus and as soon as reached near Mai Sthan located at
Village-Manjhauli were intercepted by Tata Victa Jeep as well as
Maruti Car and further, the occupants thereof, namely Ranjit
Yadav, Raju Yadav, Ajay Prasad Yadav @ Saheb Yadav
(petitioner), Ramadhar Yadav, Ganga Dayal Yadav, Aklesh
Kumar, Manish Kumar, Tripurari Yadav along with 6-7 persons
came out, gone inside bus and then, caught hold his brother Sunil
Kumar. Ranjit Yadav shot at causing injury over his right scapular



region. After taking him out from bus, they began to assault and during course thereof, Raju Yadav shot at causing injury over his back. Furthermore, it has also been alleged that petitioner has fired causing injury over his chest, his brother died instantaneously. From the post mortem report, it is apparent that two corresponding injuries caused by firearm have been found over the person of deceased, none over the chest rather the same happen to be over scapular region as well as near ankle of right scapular region. Although, there happens to be consistency amongst the statement of the witnesses against the petitioner, who has shot at over chest of the deceased, but non-presence of injury for the present goes in favour of petitioner.

Accordingly, petitioner, **Ajay Prasad Yadav @ Saheb Yadav** is directed to be released 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 Judicial Magistrate, 1st Class, Danapur, Patna in connection with Bikram P. S. Case No.126 of 2016.

Office is directed to return back the original document in sealed cover to the learned lower Court.

(Aditya Kumar Trivedi, J)

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