

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.122 of 2017

Arising Out of PS.Case No. -80 Year- 2015 Thana -MANSI District- KHAGARIA

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Kapleshwar Yadav, Son of Bhujangi Yadav, resident of Village Rohiyar,
Police Station- Mansi, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 28.10.2016
in connection with Mansi P.S. Case No. 80 of 2015 for the
offences instituted under Sections 307, 302, 120(B)/34 of the IPC
and 27 of the Arms Act.

The prosecution story, in brief, is that the husband of the
informant alongwith two others were going to Khagaria on a
motorcycle. She was also going with her son on another
motorcycle. As soon as, her husband reached near Badla Ghat
Bridge, 6-7 accused persons intercepted her husband and began to
make firing upon him. Upon which, he began to flee towards
eastern side and fell down on the bank of river. Thereafter the
accused persons made indiscriminate firing upon him who was



wriggling by sustaining firearm injury and told the informant and her son that co-accused persons, namely, Dharo Yadav, Awadh Yadav and Banti Yadav have shot at him. He was taken to hospital at Patna where he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.10.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has falsely been implicated in the present case. He is not named in the F.I.R. The persons have been named in the FIR on the basis of disclosure made by the deceased to the informant. The said accused persons are named in the F.I.R. The name of the petitioner has come on the basis of confessional statement of co-accused.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 C.J.M., Khagaria, in connection with Mansi P.S. Case No. 80 of 2015.

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(Sudhir Singh, J)

