

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13663 of 2017

Arising Out of PS.Case No. -203 Year- 2016 Thana -BIHRA District- SAHARSA

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Gajai Yadav S/o Babaji Yadav, Resident of Village- Padmpur, P.S.- Bihra,
Disrict- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-04-2017 Heard the parties.

This application has been filed in connection with Bihra P.S.Case No.203 of 2016 for the offence under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted on behalf of the petitioner that there is allegation against the petitioner that he fired on the deceased due to which she died but later on during the course of investigation, the evidence has come that some other accused persons have assaulted by 'Lathi', causing death of the deceased and the post mortem report also does not show fire arm injury. It is further submitted that after investigation, the police has not found materials against the petitioner and also not sent up for trial. The petitioner is in custody since 02.01.2017.



Heard learned A.P.P. also, who could not controvert the fact that after collection the materials during the course of investigation, the police has found him innocent.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saharsa in connection with Bihra P.S.Case No.203 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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