

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.12668 of 2017**

Arising Out of PS.Case No. -29 Year- 2016 Thana -DEO District- AURANGABAD

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Shiv Shankar Yadav Son of Shri Ramlakhan Yadav, R/o Village-  
Vishrampur, P.O.- Belva Dumari, P.S.- Deo, District- Aurangabad (Bihar).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Sri Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

2      10-04-2017      Heard learned counsel for the petitioner and learned counsel  
representing the State.

Petitioner seeks bail in connection with Deo P.S. Case No.  
29 of 2016 registered for the offences punishable under Sections  
147, 148, 149, 302, 120 B of the Indian Penal Code, Section 27 of  
the Arms Act and Section 17 of C.L.A. Act.

Allegedly, nine persons on three motorcycles came, two of  
them took out AK 47 rifles, the informant identified two of them  
namely, Surendra Yadav and Umesh Yadav, the miscreants  
commanded that Manoj Singh should not be spared then accused  
persons indiscriminately fired on Manoj Singh leading to his  
instantaneous death, Rithik Raushan had warned the prosecution  
party also. The name of the petitioner transpired during  
investigation in confessional statement of Nand Lal Bhuiyan and



Pappu Kumar.

Submission is of false implication and that no incriminating article has been recovered from possession of the petitioner, he has been implicated due to political rivalry, he has not been put on test identification parade, the alleged confessional statement made before the Police has got no evidentiary value in the eye of law and the statement of some witnesses at a later stage taking the name of the petitioner cannot be a ground for refusal of the prayer of bail. Nand Lal Bhuiyan and Pappu Kumar have already been allowed bail by another co-ordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that besides the confessional statement the witnesses have also identified the petitioner present at the time of occurrence and prayer of bail of Surendra Yadav has already been rejected by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, considering that the petitioner is not named in the first information report and his name transpired in the confessional statement of co-accused who have already been allowed bail, the petitioner above named is directed to be released on bail on execution of bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Deo P.S. Case No. 29 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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