

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28704 of 2017

Arising Out of PS.Case No. -282 Year- 2016 Thana -SAHPUR District- BHOJPUR

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1. Kamla Yadav @ Kamala Yadav S/o late Atwaru Yadav Resident of
Village- Saiya Dera, Police Station- Shahpur, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 15.11.2016 in
connection with Shahpur (Karnamepur) P.S. Case No. 282/2016
for offences punishable under Section 302 and other allied
Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he had gone to purchase various items for Gobardhan Puja
from the market and his uncle Lalji Yadav and his son Mantu
Yadav had also gone there and while returning he saw the
petitioner and other accused in a planned manner surrounded his
uncle and his son and some of the co-accused fired on him and



also injured his son, as a result his uncle succumbed to the injuries. As many as 12 persons have been named in the First Information Report. Allegation upon the petitioner is of catching hold of the informant's uncle along with two other persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no allegation of firing by the petitioner and he being an aged man of 70 years, the only allegation against him is of catching hold of the deceased along with other accused persons, which has been corroborated by the informant in his re-statement and also by the son of the deceased, who are eye-witnesses to the alleged occurrence. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with others have killed the uncle of the informant and seriously injured the son of the deceased in a well planned manner in broad day light. He further submits that multiple injuries have been found on the body of the deceased caused by fire-arm.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-14th, Bhojpur at Ara, in connection with Shahpur (Karnamepur) P.S. Case No. 282/2016, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future or if the petitioner induces the witnesses or tampers with the prosecution evidence, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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