

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17082 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

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Anil Yadav Son of Sri Bhudeo Yadav, Resident of Village- Kuntha
(Ghospur), P.S. Shambhuganj, District- Banka..... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Madhura Nand Jha, APP-102

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

ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with
Shambhuganj P.S. Case No. 165 of 2016 registered for the
offences punishable under Sections 147, 148, 149, 302, 506 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner and others along with 4-5
unknown came and the petitioner and Rakesh Yadav caught
Upendra Mandal and when the informant and others protested then
Rakesh Yadav directed to flee away otherwise they would also be
killed, then he directed to kill Upendra Mandal then Pashuram
Yadav, Vikash Yadav fired from pistol upon Upendra Mandal and
thereafter, Niraj Yadav also opened fire upon Upendra Mandal
and then they fled away. Upendra Mandal succumbed to the
injuries. Son of Anirudh Yadav has caused threats to him due to



election rivalry of Mukhiya.

Submission is of false implication and that the petitioner is in custody since 16.11.2016, the petitioner is not the assailant, the only allegation against him is that he and Rakesh Yadav caught the deceased, in this case co-accused Pankaj Yadav has been allowed bail vide Cr. Misc. No. 8779 of 2017 and as such he deserves sympathetic consideration. The case of the petitioner is on different footing than that of Rakesh Yadav who is the order giver and earlier he also caused threats.

Learned APP opposes the prayer of bail by submitting that the petitioner and co-accused Rakesh Yadav have caught the deceased then he was shot dead by other co-accused.

In the facts and circumstances stated above, considering that the petitioner is not the assailant, 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 the learned Sub-Divisional Judicial Magistrate, Banka in connection with Sambhuganj P.S. Case No. 165 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.

avin/-

(Jitendra Mohan Sharma, J)

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