

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.523 of 2017

Arising Out of PS.Case No. -107 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Manoj Yadav, Son of Shivrath Yadav, Resident of Village- Lilo tola, P.S.- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since 15.09.2016 in connection with Udwant Nagar (Gajrajganj) P.S. Case No. 107/16 for offences punishable under Sections 341, 323, 325, 307, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was returning to his village, in way, petitioner and others started firing upon him from back side. He received three bullet injury, got badly injured and fell down.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in



the aforesaid case because of enmity between the informant and one Dhirendra Prasad @ Rintu Lal. He submits that no overt act has been committed by him and just because he is familiar to said Dhirendra Prasad he has been made accused. He further submits that there are two injury reports of the informant of the same day i.e. 12.02.2016 and in both the reports there is contradiction and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that there is delay of four days in lodging of the First Information Report, although on the date of occurrence the police personnel were there and no reasonable explanation has been given for inordinate delay in lodging the First Information Report.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances, 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Udwant Nagar (Gajrajganj) P.S. Case No. 107/16, subject to the condition that the petitioner will appear before the police/ court as and when



required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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