

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55769 of 2016

Arising Out of PS.Case No. -195 Year- 2016 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Tula Yadav @ Tulla Yadav, Son of Late Dhanukdhari Yadav, resident of
Village- Mandilpur, P.S. Rahui, District- Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Sinha, Advocatet
For the Opposite Party : Mr. Sri Satyendra Narayan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 12-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Deepnagar P.S Case No. 195 of 2016 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 302 and 504 of
the Indian Penal Code.

Allegedly, the petitioner and other F.I.R. named
accused persons being armed surrounded the informant and caught
his son Sikander @ Banti Yadav and all directed to shoot him and
then Jagdish Yadav, Jitan Yadav and Jhorangi Yadav opened fire
which hit in his head, near left ear, forehead and beneath left chick
and thereafter all the six and Sunil Yadav also opened fire and
directed the informant and other not to come otherwise to kill
them also and fled away towards East. The son of the informant
succumbed to the injuries.

Submission is of false implication and due to land



dispute against the petitioner, there is no allegation for committing any overt act, specific allegation for opening fire is against Jagdish Yadav, Jitan Yadav and Jhorangi Yadav. The petitioner has been alleged as only the member of the mob and, as such, he deserves sympathetic consideration as he is suffering in custody since 24.10.2016.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner is not the assailant and, as such, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif, in connection with Deepnagar P.S. Case No. 195 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.)

Rajiv/-

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