

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39851 of 2017

Arising Out of PS. Case No.-41 Year-2017 Thana- JHAJHA District- Jamui

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Dinesh Yadav Son of Tuklal Yadav, Resident of Village-Mahapur, P.S. Jhajh,
District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Jhajha P.S.
Case No. 41 of 2017 registered for the offence punishable under
Sections 302 and 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 and his Bhabhi, Meera Kumari were going to the
field and his brother, Mithilesh Kumar Yadav @ Manoj Yadav
(deceased) was behind following them, four accused persons
came and one Ghutar Yadav opened fire and also assaulted the
deceased with sword, as a result, he succumbed to the injuries.
Allegation upon the petitioner is that he cooperated the co-
accused in making them flee away on his car and made a



statement that they have done the right thing.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and was forced to take the accused in his car. He submits that because of land dispute, petitioner has also been made accused in the present case. He submits that one of the co-accused, who had provided sword to the accused Ghutar Yadav, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 26752 of 2017 on 11.07.2017, no overt act has been alleged to have been committed by the petitioner and Section 302 of the Indian Penal Code is not made out. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 41 of 2017,



subject to the following conditions:

(1) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(2) The petitioner will not induce any witness or tamper with the evidence.

(3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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