

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12196 of 2017

Arising Out of PS.Case No. -344 Year- 2015 Thana -TEKARI District- GAYA

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Uday Yadav, Son of Late Badri Yadav, resident of village - Beli, Police
Station - Tekari and District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with S. Tr.

No. 73 of 2016 (12 of 2016) arising out of Tekari P.S. Case No.

344 of 2015, registered under Sections 147, 148, 149, 341, 342,

302 and 120(B) of the Indian Penal Code and Section 27 of the

Arms Act.

The accusation is that 13 persons named in the

F.I.R. including the petitioner surrounded Ramesh Kumar and

Sanjay Yadav, sons of informant, who were returning to his

house after treatment of their niece, Prince Kumar. At that time,

all accused persons fired, in which, Ramesh Kumar and Sanjay



Yadav, sustained firearm injury, who died on spot.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that while petitioner is named in the F.I.R. along with 12 others but no specific overt act has been attributed against the petitioner. In course of investigation, the witnesses, in paragraph 10 and 11 of the case diary, have stated that co-accused Chotu Yadav shot fire at the head of Ramesh Kumar whereas Mukesh Yadav and Lalkeshwar Yadav shot fire at the chest of Sanjay Yadav and the petitioner is simply members of mob. It is further submitted that petitioner has no criminal antecedent and is in custody since 24.12.2015. It is further submitted that similarly situated co-accused, Shankar Mistri @ Shivshankar Sharma @ Sheo Shankar Sharma, has already been granted privilege of bail by this Court vide order dated 01.03.2017 passed in Criminal Misc. No. 8851 of 2017.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-IV, Gaya, in connection with S. Tr. No. 73 of 2016 (12 of 2016) arising out



of Tekari P.S. Case No. 344 of 2015. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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