

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43744 of 2017

Arising Out of PS.Case No. -267 Year- 2017 Thana -BANKA District- BANKA

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1. Rambilash Yadav, Son of Bhikhari Yadav, Resident of Village-
Manjhiyara, P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
03.07.2017 in connection with Banka P.S. Case No. 267/2017 for
offences punishable under Sections 302, 307 and other allied
Sections 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 in his orchard, the petitioner along with six
others came and assaulted Nago Yadav and the informant.
Specific allegation is upon Bhikhari Yadav to have given gun shot
injury. Allegation upon Kuldeep Yadav is that he injured the
informant by means of lathi. 5-6 person also assaulted by means of
lathi and one fired from his pistol, which hit the deceased Nago



Yadav on his chin.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the main allegation is upon Bhikhari Yadav, who had fired from his pistol on the deceased Nago Yadav. Kuldip Yadav, who had assaulted the informant, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 40656 of 2017 on 19.09.2017. He further submits that there is no specific allegation of petitioner assaulting the informant or the deceased, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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, Banka, in connection with Banka P.S. Case No. 267/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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