

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29587 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -BANMANKHI District- PURNIA

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1. Subodh Yadav @ Subodh Kumar Yadav Son of Kunj Bihari Yadav,
resident of Village- Haripur Kala, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 28.01.2017 in
connection with S.T. No. 169 of 2017 arising out of Banmankhi
P.S. Case No. 18 of 2017 for offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his brother Satyendra Kumar @ Sachin Yadav deceased
had gone for holding *Panchayat*, who was a President of
Bhargama Block, while he was returning he was shot by fire arm
and on way to hospital he succumbed to the injuries, but while he
was on the way he named nine accused persons including the



petitioner along with 4-5 un-known persons who shot at the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and the allegation upon him is general and omnibus. In post-mortem report only one gun shot injury is found whereas, there are more than 12-13 persons involved in the occurrence as stated in the FIR. It has further been submitted that some of the co-accused named in the FIR have been granted bail by a co-ordinate Bench of this Court in Criminal Misc. No. 30612 of 2017 dated 06.07.2017 and Cri. Misc. No. 31073 of 2017 on 31.07.2017 for similar allegations.

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 3rd Additional Sessions Judge, Purnea in connection with S.T. No. 169 of 2017 arising out of Banmankhi P.S. Case No. 18 of 2017 subject to the following conditions :-



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) 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 is free to move for cancellation of his bail bonds.

(Nilu Agrawal, J)

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