

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18781 of 2017

Arising Out of PS.Case No. -264 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

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Sanjay Yadav, Son of Late Gorelal Yadav, Resident of Village- Sri Rampur,
P.S.- Nath Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 10-05-2017 Heard both sides.

The petitioner seeks bail in Nath Nagar P.S. Case
No. 264 of 2016 registered under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that while she was cooking
food in her kitchen and her husband was lying on bed on account
of illness, Shekhar Mandal forcibly entered into her house and
fired thrice on her husband. She saw Dillo Yadav and Sanjay
Yadav (petitioner) standing outside the kitchen. Nawal Yadav and
Dillo Yadav abused the informant.

Learned counsel for the petitioner submits that the
petitioner is not the assailant of the deceased, Pappu Yadav.
Shekhar Mandal is alleged to have fired thrice and from perusal
of the post mortem report, three fire arm injuries are found on the



body of the deceased. The petitioner Sanjay Yadav and Dillo Yadav were standing outside the door. Dillo Yadav and Nawal Yadav have already been granted regular bail vide order passed in Cr. Misc. No. 9526 of 2017 and 50 of 2017 respectively. The case of the petitioner stands on similar footing.

On the other hand, learned counsel for the informant and learned APP opposed the prayer for bail and submitted that the petitioner was also participating in the crime. But it appears that there is no specific allegation of assault against the petitioner and he was standing outside the house. It was Shekhar Mandal who entered into the house of the informant and fired thrice causing death to the husband of the informant.

Considering the facts aforesaid and the fact that the similarly situated co-accused persons have already been granted bail, the above named petitioner is directed to 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 the learned Additional Chief Judicial Magistrate, Bhagalpur in connection with Nath Nagar P.S. Case No. 264 of 2016.

(Prabhat Kumar Jha, J)

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