

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33336 of 2017

Arising Out of PS.Case No. -734 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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MUNNA KUMAR @ MUNNA YADAV @ S.P YADAV, S/o Nunulal
Yadav, Resident of Village- Sahugarh, Diwani Tola, P.S.- Madhepura,
District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-09-2017 Heard the learned counsel for the petitioner and the
learned A.P.P.

Petitioner is languishing in judicial custody since
19.05.2017 in connection with Madhepura P.S. Case No.
734/2016, for the offences punishable under Sections 302 and 34
of the Indian Penal Code.

The prosecution case as lodged by the informant is that
while he had gone for natural call in the field at 9.15 p.m., he saw
seven accused persons variously armed with country-made pistol
and rifle opened fire on his son Bablu Yadav which hit him on the
right arm and chin. Thereafter, they fled away. The injured was
brought to the Sadar Hospital, where the doctor declared him



dead.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated. He submits that the allegation is general and omnibus and no specific allegation has been alleged as to who hit the informant's son. He submits that only two injuries have been found in the post-mortem report, although, in the inquest report there is only one injury on the chin which is contradictory. He further submits that some of the co-accused have been granted privilege of bail by a Coordinate Benches of this court in Cr. Misc. No. 15638/17 on 01.05.2017, Cr. Misc. 21247/17 on 19.05.2017 and Cr. Misc. No. 24554/17 on 30.06.2017 on similar allegation. Charge-sheet has already been submitted and there is no allegation of tampering of prosecution witnesses by the petitioner.

However, the 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 name above, 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 734/16, subject to the condition that one of the



bailors would be a close relative of the petitioner, petitioner will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason, will entail cancellation of bail bonds of the petitioner. The petitioner will appear before the police station on the first week of every two months.

(Nilu Agrawal, J)

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