

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53818 of 2016

Arising Out of PS.Case No. -59 Year- 2015 Thana -SALIMPUR District- PATNA

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1. Prakash Yadav Son of Suli Yadav alias Surendra Yadav, resident of Village Salimpur Milki, Police Station- Salimpur and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner is in custody since 10.08.2016 in connection with Salimpur P.S. Case No. 59 of 2015 registered under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. According to the prosecution, 8-10 persons suddenly came to the Dalan, where the informant and his family members were sleeping, and assaulted them by lathi and fired on Mukesh Kumar, resultantly, he died.

4. Learned counsel for the petitioner has submitted that though the petitioner has been named in the First Information Report but there is no specific allegation against the petitioner. According to the F.I.R., the occurrence took place in the dark night, which itself falsifies the allegation of the prosecution that this petitioner was seen at



the place of occurrence with Katta. Merely on the suspicion, the petitioner has been implicated in this case and he is rotting in jail for the last five months. Moreover, co-accused, Sudhir Sharma and Gopal, have already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 46303 of 2015.

5. Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Barh in connection with Salimpur P.S. Case No. 59 of 2015.

6. However, it is made clear that this direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned court below, as may be directed.

(Arvind Srivastava, J)

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