

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40640 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

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Bikash Yadav, Son of Shri Anarshi Yadav, R/o Village- Ghoshpur, P.S.-
Shambhuganj, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rajendra Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 15.11.2016 in connection with Shambhuganj P.S. Case No.165 of 2016 corresponding to Sessions Trial No.181 of 2017, registered for the offence under Sections 302 and other allied Sections of the I.P.C. and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the F.I.R. has been filed after a delay of around 18 hours, for which no plausible explanation has been offered by the informant. It is further submitted that it is only on account of the political rivalry, that the petitioner has been implicated as he belonged to the group of Aniruddh Yadav, who was contesting for the post of Mukhiya. The statement by the informant that he is an eye-



witness is also not probable and fit to be accepted on account of the fact that he was asked to flee away. It is submitted that under normal circumstances, on such demand, the informant would have fled away but he submitted that he stayed on. As a natural corollary, in such a crime it would be, according to the submission of the petitioner, best for any one to flee in the wake of such attack.

Considering the entire facts and circumstances of the case and that the petitioner has already been in custody for the past ten months, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge I/C, Banka, in connection with Shambhuganj P.S. Case No.165 of 2016 corresponding to Sessions Trial No.181 of 2017.

It is made clear that the petitioner shall co-operate in the trial and shall present himself after commitment before the concerned court.

(Anjana Mishra, J)

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