

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43355 of 2017

Arising Out of PS.Case No. -6 Year- 2006 Thana -TEKARI District- GAYA

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Jitendra Yadav, Son of Kishori Yadav, Resident of Village- Dighaura, P.S.-
Tekari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Tekari P.S.
Case No. 06 of 2006 for offences punishable under Sections 147,
148, 149, 302, 380 of the Indian Penal Code and 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while he was sleeping with his two brothers and nephew, 12
persons came and resorted to firing. Specific allegation upon the
petitioner is that he along with Birendra Yadav fired which hit his
brother (deceased) Vinay Yadav on his leg, while other co-
accused Kishori Yadav fired on the temporal region of the
deceased and one Kara Yadav fired on the chest of the deceased.



On such injury his brother Vinay Yadav died.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal history. He submits that charge-sheet has already been submitted and since he was daily wages labourer he went on earn his livelihood and his pairvikar did not inform about the progress of the case. He submits that some of the accused Birendra Yadav and Kishori Yadav have been acquitted by the learned Additional District and Sessions Judge, F.T.C. 3rd Gaya in Sessions Trial No. 71 of 2007/809 of 2006 on 16.03.2009. He submits that he is ready to co-operate in the trial on day to day basis and comply with all the conditions imposed while granting bail.

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 Additional Chief Judicial Magistrate-VII, Gaya in connection with Tekari P.S. Case No. 06 of 2006, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

The order passed by the learned Additional District and Sessions Judge, F.T.C. 3rd, Gaya in Sessions Trial No. 71 of 2007/809 of 2006 dated 16.03.2009 is kept on record.

(Nilu Agrawal, J)

Devendra/-

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