

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30067 of 2017

Arising Out of PS.Case No. -198 Year- 2015 Thana -MANSI District- KHAGARIA

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1. Bucchi Yadav, Son of Ram Swaroop Yadav, Resident of Village-
Thatha, P.S. Mansi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Adv.

Mr. Omprakash Kumar, Adv.

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
22.12.2015 in connection with Mansi P.S. Case No. 198 of 2015,
G.R. No. 2385 of 2015, Session Case No. 242 of 2016 for offences
punishable under Sections 147, 148, 149, 341 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while the informant and his brother Manoj Yadav were
stacking grass, the petitioner along with four others came and fired
on his brother Manoj Yadav who succumbed to the injury. The
allegation upon the petitioner is of firing on the chest along with
one Arun Yadav while other three co-accused persons gave gun-



shot injury on the head. The bail application of the petitioner was earlier rejected vide order dated 24.11.2016 in Cri. Misc. No. 43773 of 2016. A report was called for from the Court of learned Additional District and Sessions Judge-1st Khagaria who has submitted his report vide Letter No. 193 dated 17.07.2017 stating therein that five witnesses have been examined and five more are to be examined, but no time frame has been given for conclusion of the trial.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and just because the deceased Manoj Yadav was a hardened criminal, and the petitioner had deposed against him, in a case under Section 302 of the IPC, such allegation has been made. He submits that as per the post-mortem report there is only one fire-arm injury on the chest while it is alleged that two persons including the petitioner fired on the chest. He submits that he will co-operate in the trial and undertakes that petitioner will appear before the learned court below on each and every date.

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 District & Sessions Judge-I, Khagaria in connection with Mansi P.S. Case No. 198 of 2015, G.R. No. 2385 of 2015, Session Case No. 242 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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.

(Nilu Agrawal, J)

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