

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30741 of 2017

Arising Out of PS.Case No. -421 Year- 2013 Thana -SHERGHATI District- GAYA

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1. BHIM YADAV @ HARI MOHAN YADAV @ HARI MOHAN @ PAHARI FUL @ LULHA @ HIRA MOHAN YADAV son of Late Kheman Yadav, Resident of Village- Menka P.S.- Imamganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-10-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 31.01.2017 in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 326, 332, 333, 353, 121 (A), 124 (A), 427, 120 (B) of the Indian Penal Code, 27 Arms Act and 17 C.L.A. Act, 10, 16, 13, 20, 21, 38, 39 of U.A.P. Act.

The prosecution case as lodged by the police personnel is that during patrolling, police and its officials were attacked by the miscreants, who opened fire in which two police men killed. It has been submitted as



many as 27 persons are named in the F.I.R. including the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent not present at the place of occurrence and has been falsely implicated due to village politics. He submits that it was a mob attack and 27 persons have been named and 25 – 30 were unknown persons and allegations are general and omnibus and not specific. It is further submitted that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that two police officials have been killed in the said occurrence and as many as 12 cases are pending against the petitioner for similar offence.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, District-Gaya in connection with Sherghati Dobhi P. S. Case No. 421 of 2013, subject to the conditions that one of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that the petitioner indulges in an offence of similar nature in future, the petitioner will be at liberty to move the Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Sudha/-

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