

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33246 of 2018

Arising Out of PS.Case No. -105 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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Bikash Kumar @ Bikash Yadav, Son of Radhe Yadav @ Radhakant Yadav,
Resident of Village-Salarpur, P.S. Parbatta, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner her earlier moved for bail, which was rejected
vide order dated 21.08.2017 passed in Cr. Misc. No. 32716 of
2017.

Petitioner is languishing in judicial custody since
12.09.2016 in connection with Sessions Trial No. 199 of 2017
arising out of Bihpur P.S. Case No.105 of 2016 for offence alleged
under Sections 147, 148, 149, 302 of the I.P.C. and 27 of the Arms
Act.

The prosecution case, as lodged by the informant is that
while he and his brother, Kuldip Yadav, was sitting at his Basa,
petitioner along with five named accused and 2-3 unknown
persons came and started indiscriminate firing, as a result, his



brother Kuldip Yadav @ Kulo Kumar succumbed to the injuries. The cause of occurrence related to land dispute between the accused persons and one Shankar Yadav, who is relative of the informant.

It has been submitted on behalf of learned counsel for the petitioner is that he is innocent, he has no criminal antecedent and the petitioner has been falsely implicated in the aforesaid case. Petitioner claims that he does not belong to the same village and the allegations are not specific and accusation has been made against about 8 to 10 persons firing on the informant's brother. He submits that even though charges have been framed but none of the witnesses have been examined which finds support from the report of 2nd Additional Sessions Judge, Naugachia dated 12.07.2018 called by his Court.

Learned counsel for the State, however, opposes the prayer for bail stating that the informant was the eye witnesses to the alleged occurrence and as many as 10 injuries of exit and entry have been found in the body of the deceased.

Considering the aforesaid facts and circumstances, the period of custody and that none of the witnesses have been examined, let the petitioner, named above, 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 the learned 2nd Additional District and Sessions Judge, Naugachia in connection with Sessions Trial No. 199 of 2017 arising out of Bihpur P.S. Case No.105 of 2016, subject to the conditions that :- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his 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.

(Nilu Agrawal, J)

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