

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62874 of 2018

Arising Out of PS.Case No. -106 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

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1. Mithun Yadav @ Mihtun Kumar Yadav,
2. Barun Yadav @ Barun Kumar Yadav, Both are sons of Nitya Nand Yadav, resident of Village- Asauta (Nagel), P.S.- Shambhu Ganj, District-Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-10-2018 Heard learned counsel for petitioners and learned A.P.P.
for the State.

Petitioners seek bail in Shambhuganj P.S. Case No. 106/2015, registered for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and section 27 of the Arms Act.

The present case is lodged on the basis of fardbeyan of informant Pinki Devi. She alleged that on 10.11.2015 his father-in-law and brother-in-law while engaged in some construction work, petitioners and other co-accused having armed with weapons came and opened fire upon them. Sanjay Yadav and Shekhar Yadav fired upon his father-in-law as a result he died on



the spot. Shekhar Yadav again fired upon his brother-in-law on his eyes; as a result, he fell down on the ground. Thereafter the accused persons fled away.

It has been submitted that petitioners have falsely been implicated in this case. They are members of the mob. Specific allegation of causing fire-arm injury is against Sanjay Yadav and Shekhar Yadav. Other co-accused have been granted bail vide order dated 12.01.2017 passed in Cr. Misc. No. 882/2017.

Petitioners have no criminal antecedent. They are in custody since 27.07.2018.

Considering the facts aforesaid, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 106/2015, subject to the conditions:

- (1.) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2.) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on



two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3.) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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