

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72015 of 2018

Arising Out of PS. Case No.-98 Year-2017 Thana- BAKHARI District- Begusarai

Jata Shankar Yadav @ Jatwa S/o Late Rajendra Yadav, resident of Village-
Parihara, P.S. Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan
		Mr. Arun Kumar
		Ms. Nirmala Kumari
For the Opposite Party/s :		Mr. Sri Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Sessions Trial No. 142 of
2018 arising out of Bakhri P.S. Case No. 98 of 2017** instituted
for the offence under Section(s) 302, 120B and 34 of the Indian
Penal Code, read with Section 27 of the Arms Act.

It is alleged in the written report that on the date of
occurrence informant was going on motorcycle towards his
house along with his brother Samir Kumar Dev. In the
meantime, informant got down from motorcycle near his field
and his brother parked his motorcycle outside the compound
wall and he was going inside house then informant saw the
petitioner along with Manoj Tanti, Saurav Kumar, Murlidhar



Choudhary, Guddu Jha, P.F. Chaudhary, Keshav Mishra and 3 to 4 unknown persons armed with pistol made indiscriminate firing upon his brother. Thereafter informant came near the gate and saw co-accused Saurav Kumar shot fire on the head of his brother. Manoj Tanti and Murlidhar Chaudhary are alleged to have caused firearm injury on the chest of his brother. Guddan Jha caused firearm injury in the shoulder of his brother. It is further alleged that in the meantime Keshav Mishra told that he (Sameer Kumar Dev) is still alive. Thereafter on his order, this petitioner along with others made firing on the brother of informant.

Learned counsel for the petitioner has submitted that post-mortem report is annexed as Annexure-2 which shows that only two gun shot injuries have been found on the person of the deceased, i.e. one bullet is found in the left side of cranial cavity posterior to the left orbit and one bullet is found in upper part of abdomen.

Petitioner is in custody since 24.11.2017

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the **Additional Sessions Judge-I-cum-Special Judge, POCSO Act & NDPS Act , Begusarai** in connection with **Sessions Trial No. 142 of 2018** arising out of **Bakhri P.S. Case No. 98 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

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