

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40971 of 2018

Arising Out of PS. Case No.-282 Year-2016 Thana- SAHPUR District- Bhojpur

Pappu Yadav S/o Kamla Yadav, R/o Vill.- Saiya Dera, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner has earlier moved this Court for grant of bail in Cr. Misc. No. 43563 of 2017, which was rejected vide order dated 27.11.2017.

Petitioner is languishing in judicial custody since 17.11.2016 in connection with S.Tr. No. 246 of 2017, arising out of Shahpur (Karnamepur) P.S. Case No. 282 of 2016 for offences punishable under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while his uncle Lalji Yadav with his son Mantu Yadav were going on a motorcycle seven persons fired on him and injured his son Mantu Yadav. The informant's uncle died on the spot.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that allegation is of firing by seven accused persons including the petitioner and it is not ascertainable as to on whose injury the informant's uncle succumbed. He further submits that the trial is going on at a very slow pace, the petitioner is languishing in judicial custody for one year and nine months and is ready to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and six fire-arm injuries have been found on the deceased.

In this regard a report was called for as to the stage of trial and it has been seen that not much headway has been made as the report does not speak as to how many witnesses are left to be examined, although, it has been stated that if all cooperates then the trial is likely to be disposed off within a period of three months.

However, 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 Sessions Judge-IIInd, Bhojpur at Ara, in connection with S.Tr. No. 246 of 2017, arising out of Shahpur (Karnamepur) P.S. Case No. 282 of 2016, subject to the following conditions :

- (i) 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.
- (ii) 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)

Rajesh/-

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