

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52930 of 2017

Arising Out of PS.Case No. -38 Year- 2013 Thana -JAGDIHSPUR District- BHOJPUR

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1. Khiri Yadav @ Dharmdeo Yadav Son of Ram Ishwar Yadav, Resident
of Village - Chhotki Haradian, Police Station - Jagadishpur, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-01-2018 Supplementary affidavit has been filed on behalf
of the petitioner.

Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to FIR, there is no eye-witness of the
actual occurrence of murder.

However, the informant is eye-witness to the
extent that the petitioner and three others were seen fleeing from
the place of occurrence. Two persons were carrying firearm
including the petitioner. The post-mortem report would reveal that



one wound of entry and exit was found at the forehead of the deceased and another charred wound was found at the chest.

Submission of the learned counsel for the petitioner is that after investigation, the petitioner was not sent up for trial and other co-accused have already been allowed bail either by the learned court below or by a Coordinate Bench of this Court. Further submits that false allegation is there due to old dispute between the parties. Petitioner is in custody since 21.08.2017 and is ready to cooperate with the trial.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 312 of 2017 arising out of Jagdishpur Police Station Case No. 38 of 2013, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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