

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17955 of 2018

Arising Out of PS. Case No.-73 Year-2017 Thana- MAJHAULIA District- West Champaran

Sk. Yakub S/o Late Sk. Khalil, R/o Village- Kadamawa, P.S.- Gopalpur,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. SRI MURLIDHAR

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioner and the learned APP
for the State.

Petitioner, already in custody, seeks bail in connection with
Majhauria P.S. Case No.73 of 2017, registered under Sections 302,
120(B)/34 of the Indian Penal Code as well as under Section 27 of
the Arms Act.

Allegation in brief is that while the informant along with his
brother Sk. Anwarul was returning back to his village, on the way,
Sk. Bolar and Sk. Matlub shot at the brother of the informant
causing injury, thereafter Sk. Buchai, Sk. Tulai, Sk. Kari along with
3-4 unknown persons caught hold the brother of the informant and
on the order of Sk. Kari, Sk. Buchai shot at the brother of the
informant in his head causing his death and it is alleged that this
petitioner is a conspirator.



Learned counsel for the petitioner submits that there is land dispute between both sides, regarding the petitioner, even present at the spot, no overt act is alleged against him, only allegation is that the petitioner is the conspirator, Sekh Kari @ Md. Sekh Kari @ Kari, another co-accused, who is said to have caught hold the deceased has been admitted to bail by a coordinate Bench of this Court vide Cr. Misc. No.53461 of 2017 on 29.11.2017 and the petitioner is in custody since 10.02.2018.

Having considered the aforesaid facts and circumstances especially having no overt act against the petitioner of killing the deceased, petitioner Sk. Yakub is directed to be released 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 CJM, Bettiah, West Champaran in connection with Majhaulia P.S. Case No.73 of 2017 with condition that the petitioner shall remain physically present on each and every date before the trial court and if he absents himself on two consecutive dates without any reasonable cause, his bail bond shall liable to be cancelled.

(Arun Kumar, J)

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