

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36130 of 2018

Arising Out of PS. Case No.-146 Year-2016 Thana- SONO District- Jamui

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Gajo Yadav S/o Late Jagar Nath Yadav, R/o- Dhabatar, P.S.- Sono, District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 02-08-2018 Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with Sono (Charka Pathar O.P) P.S.Case No. 146 of 2016 registered under Sections 147, 148, 149, 121A, 302, 307, 452 and 504 of the Indian penal Code, Section 27 of the Arms Act and Sections 16, 17, 18, 19, 20, 21 and 22 of the Unlawful Activities (Prevention) Act, 1967.

Allegation in brief is that all accused persons entered into the house of the informant and brought out his son and on the exhortation given by Sanjay Yadav, Birendra Yadav shot at him thereafter Jeet Lal also fired at the deceased.

Submission is that petitioner is alleged to be only a member of a unlawful assembly and there is no allegation against him of opening fire for killing the deceased rather the



same is specific against Birendra Yadav and Jeet Lal and petitioner has been falsely implicated in this case because of land dispute and other co-accused Sudama Yadav and Rakesh Yadav, also members of unlawful assembly, were also admitted to bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 25163 of 2017 and the petitioner has been in custody since 19.01.2018 and has only one criminal antecedence in which he is on bail.

Having considered the aforesaid facts and circumstances having no accusation of killing the deceased against the petitioner, the petitioner, namely, Gajo Yadav, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Class, Jamui in connection with Sono (Charka Pathar O.P.) P.S. Case No. 146 of 2016 with condition that one of the bailor must be his close family member. Petitioner shall remain physically present on each and every date during trial and in case of failure on two consecutive dates without any reasonable cause, his bail bond shall be liable to be cancelled.

(Arun Kumar, J)

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