

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47891 of 2017**

Arising Out of PS.Case No. -39 Year- 2017 Thana -KASMA District- AURANGABAD

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1. Rampati Yadav son of Ramchandra Yadav, resident of Village- Dhol Tola, Doman Bigha, P.S.- Kasma, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      02-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Kasma P.S.

Case No. 39 of 2017 dated 04.05.2017 instituted for the offences under Sections 307 and 302/34 of the Indian Penal Code.

The informant, who is the wife of the deceased, has alleged that her husband had gone to sleep in the farm along with his nephews, viz. Dharmendra Kumar Yadav and Ankaj Kumar. Later in the night, Dharmendra came running at the home of the informant and disclosed that somebody has fired at the deceased. During the course of treatment, the deceased succumbed to the injuries. After about six days of the lodging of the F.I.R., aforesaid Dharmendra made statement before the police alleging that he had seen the petitioner and others, variously armed, fleeing from the



place of occurrence.

Learned counsel for the petitioner has submitted that if Dharmendra Kumar, who was sleeping with the deceased, had seen the petitioner and others fleeing from the place of occurrence, he would have definitely provided such information to the informant at the time of lodging of the F.I.R. That apart, it has been canvassed that the petitioner is not alleged to have done anything and has only been seen as fleeing away from the place of occurrence. There is a land dispute between the deceased and the petitioner and this is the sole reason for his false implication at the later stage.

The petitioner is in custody since 24.07.2017 and does not bear any criminal antecedent.

Taking into account the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Aurangabad in connection with Kasma P.S. Case No. 39/2017.

**(Ashutosh Kumar, J.)**

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