

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15797 of 2018

Arising Out of PS. Case No.-176 Year-2017 Thana- PANCHRUKHI District- Siwan

Dara Yadav @ Dhara Yadav @ Ramanand Yadav, Son of Chandrika Yadav,
Resident of Village- Chap Tole, P.S.- Sarai O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Ajay Kumar Pandey, Advocate
: Miss Rinki Kumari, Advocate
: Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

9 20-08-2018 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the
informant.

The petitioner, who is in custody, seeks bail in
connection with Sessions Trial No. 632 of 2017 arising out of
Pachrukhi (Sarai) P.S. Case No. 176 of 2017 registered for the
offence punishable under Sections 302, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

Informant is the widow of deceased, who in her
written complaint has stated that on 19.08.2017 at about 8.00
PM when she was cooking food, her husband and father were
sitting in the courtyard, when seven FIR named accused took
away her husband on the road and on the command of Raja
Ram Sah, Dara Yadav (petitioner) inflicted knife blow upon her
husband and Sunil Yadav tried to strangulate him and other
accused assaulted by slaps and fists and on instigation of



Mukesh Sah, Mitalu Mian took out pistol from his waist and fired upon her husband and while being carried to hospital he scummed of his injuries. It has further been alleged that she and others identified the accused. Reason for killing was political rivalry.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to political rivalry. Postmortem report was called for and from perusal of postmortem report, it appears that there was no firearm injury on the person of deceased as alleged in FIR and injuries were only of sharp cutting pointed weapon which makes the FIR very doubtful. It has been further submitted that petitioner is in custody since 21.08.2017. There is only one case instituted against him apart from this case.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Siwan, in connection with



Sessions Trial No. 632 of 2017 arising out of Pachrukhi (Sarai)

P.S. Case No. 176 of 2017 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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