

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50601 of 2018

Arising Out of PS.Case No. -28 Year- 2010 Thana -PALI District- JEHANABAD

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Subai Yadav, S/o Kishun Yadav, resident of Village- Murasa, Tola- Gohi
Bigaha, P.S.- Bhelawar, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Verma, Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
23.05.2018 in a case for the offence registered under Sections 147,
148, 149, 341, 342, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 21.05.2010
at 6.30 morning, while the informant was sleeping with his wife
Pramila Devi, father Chhedi Yadav and his cousin Nanhak Yadav,
his wife saw five named accused persons including the petitioner
came armed with weapon. Co-accused Surendra Yadav fired a
shot on his father's chest by rifle and co-accused Awadhesh
Yadav from country made *Carbine* fired a shot again on his
father's chest. They also fired a shot towards Nanhak Yadav who



luckily escaped. Other miscreants were also keeping vigil near his door and before fleeing, miscreants raised slogan of *Naxlite* and also fired 7-8 rounds to terrorize the villagers. His father died instantly and cause of incident is due to old dispute.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The police report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. After investigation, the police has submitted final form in the present case showing the petitioner not sent up for trial. Subsequently, learned court below differed with the said police report and had taken cognizance of offences. The main allegation as per F.I.R. is alleged against co-accused, namely, Surendra Yadav and Awadhesh Yadav causing injury upon the deceased. As per the allegation no injury is attributed against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class,



Jehanabad, in connection with Pali P.S. Case No. 28/10,
corresponding to G.R. No. 1088/2010.

U.K./-

(Sudhir Singh, J)

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