

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6427 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- PAHARPUR District- East Champaran

Rupesh Yadav Son of Sitan Yadav @ Sitam Yadav, age 25/M, Resident of
Village - Majhariya, P.S.- Malahi, District, East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 28-03-2019

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302, 307 of the Indian Penal Code and Sections 25(1-b)a, 26/27/35 of the Arms Act.

Informant has alleged that he received information that on 14.03.2018 at about 1 p.m. F.I.R. named accused including petitioner along with 2-3 unknown miscreants variously armed forcibly sowing sugarcane in his field and on receiving such information, he along with his family members reached his agricultural field and prevented them upon which Kishundeo Yadav instigated and Munna Yadav from his rifle fired upon Devendra Yadav due to which he died on the spot. Allegation against the petitioner Rupesh Yadav is of firing on Mahesh Yadav from his rifle which touched his ear and, thereafter,



allegation is of indiscriminate firing against all other accused.

It has been submitted on behalf of the petitioner that the injuries suffered by Mahesh Yadav is simple in nature although caused by firearm and there is one criminal antecedent which is also related with the family of the informant. Petitioner is in custody since 23.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Tr. No.1880/18 arising out of Paharpur (Malahi) P.S. Case No. 68/18 with 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

Sanjay/-

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