

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6221 of 2019

Arising Out of PS. Case No.-364 Year-2017 Thana- BIHARIGANJ District- Madhepura

Santosh Yadav @ Santosh Kr.Yadav, aged about 35(M), son of Chandeshwari Yadav, Resident of village - Hathio-ndha, P.S-Bihariganj, District -Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 27.12.2017 at about 1 a.m., his father was sleeping on the *Machan* near the door and his sons D.M. Kumar, Amit Kumar and Nitish Kumar were also sleeping. It is alleged that accused persons as named in the F.I.R. shot dead his father and allegation against accused Subhash Yadav is of firing on his arm and accused Santosh Yadav is of firing on his chest. Thereafter, further allegation is that other accused including the family members came and abused and assaulted the informant and his family members.



It has been submitted on behalf of the petitioner that land dispute and previous enmity between the parties is admitted. According to the postmortem report, only one injury has been found on the chest of the deceased. Police had reached the place of occurrence at 3 a.m., however, no Fardbeyan was recorded at that time. It has further been submitted that inquest report was prepared on 28.12.2017 at 3 a.m., however, F.I.R. was registered in the evening on written complaint. Petitioner has no criminal antecedent and he is in custody since 04.02.2018.

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 Bihariganj P.S. Case No. 364 of 2017 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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