

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13718 of 2019

Arising Out of PS. Case No.-198 Year-2015 Thana- MANSI District- Khagaria

PAPPU YADAV Son of Shashi Yadav Resident of Village-Thatha, P.S.-
Mansi, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad

For the Opposite Party/s : Mr.Rajiv Nayan (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-05-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel appearing on
behalf of the State.

Petitioner had earlier moved twice for bail which was
rejected vide order dated 15.09.2017 passed in Cr. Misc. No.
35571 of 2017 and order dated 12.09.2018 passed in Cr. Misc.
No. 39036 of 2018.

Petitioner is languishing in judicial custody since
09.07.2016 in connection with Sessions Case No. 355 of 2016
arising out of Mansi P.S. Case No. 198 of 2015 for offences
punishable under Sections 147, 148, 149, 341, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegation upon the petitioner is of firing on the
informant's brother Manoj Kumar Yadav on the head along with



the co-accused Ranvir Yadav and Malik Yadav. Allegation upon other co-accused Bucchi Yadav and Arun Yadav is of firing on the chest of the deceased and further allegation has been made on the petitioner to have fired on the back of the deceased. Resultantly, he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case as injuries on the deceased as per the postmortem report has been found one on the skull and two on the neck. He further submits that deceased was a veteran criminal and since the petitioner and his family members had deposed against him in case under 302 of the I.P.C. for this reason false allegation has been leveled against the petitioner. He submits that the co-accused who had fired on the chest has been granted the privilege of bail by this Court in Cr. Misc. No. 30067 of 2017 dated 16.08.2017 and Cr. Misc. No. 29338 of 2016 dated 02.09.2016 by a coordinate Bench of this Court. He further submits that as per the postmortem report only one injury has been found on the skull whereas it is alleged that 3 persons had fired on the head. He further submits that on the last occasion when the prayer for bail was rejected, the trial court was directed to conclude the trial within three months



from 12.09.2018.

A report has been called for regarding stage of trial from the trial court i.e. Presiding Officer, Fast Track Court-I, Khagaria wherein it is stated that trial is likely to be concluded within four months if the defence cooperates.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that the petitioner is a named accused and main assailant along with the two other co-accused and trial is likely to be concluded within a very short time.

Considering the nature of allegations, the period of custody and that the trial has not been concluded, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 2nd Khagaria in connection with Sessions Case No. 355 of 2016 arising out of Mansi P.S. Case No. 198 of 2015, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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