

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20827 of 2019

Arising Out of PS. Case No.-8 Year-2006 Thana- DURAULI District- Siwan

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PAPPU SRIVASTAVA, aged about 40 years (Male), Son of Late Kanhaiya Prasad Srivastava, Resident of Village-Tiwari Matihiniya, P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Harendra Prasad, Advocate.

For the Opposite Party : Mr.Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 13-08-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 30.11.2018 in a case for the offence registered under Sections 341, 324, 326, 307, 394, 333, 353, 420, 467, 468, 471, 414/34 of the IPC, 25(1-b)a, 26, 27, 35 of the Arms Act. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 31.01.2006 while the informant and other police officials was returning to the police station after making attachment the house of accused Ramashish Yadav, Vijay Yadav and Rudal Yadav and articles were loaded on three Tractors, in the meantime, one Bolero vehicle dashed the constable Rameshwar Uraon and started



fleeing away. After some distance, the said vehicle also dashed the Tractor on which articles were loaded, as a result of which, it stopped. Four persons came out from the said vehicle and started firing upon the police party. The police party also started cross-firing to save themselves. In the meantime, the Police Inspector of Mairwa, Sri Yoganand Singh with his driver Rakesh Ram were going to Mairwa to Darauli upon his Jeep. The miscreants shot fire in the stomach of Sri Yoganand Singh and driver sustained firearms injury and they also looted the Government Revolver and cartridges and fled away towards East by a Motorcycle.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not 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 Additional District & Sessions Judge-IVth, Siwan, in connection with Sessions Trial No. 469A/2012, arising out of Darauli P.S. Case No. 08/2006.

(Sudhir Singh, J)

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