

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43236 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- UPHARA District- Aurangabad

JAGDEEP YADAV Son of Mani Lal Yadav Resident of Village - (Dandwa)
Uphara, P.S.- Uhhara, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar
	Mr. Ram Sewak Prasad
	Mr. Pramod Mishra
For the Opposite Party/s :	Ms.Rina Sinha
	Mr. Dharendra Kr. Sinha
	Mr. Yashpal Yadav

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 27.03.2019 in connection with Uphara P.S.Case No. 45 of 2018 for the alleged offences under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the killing of the informant's younger brother. It is submitted that except suspicion there is no objective material to connect the petitioner with the alleged occurrence. The prosecution story is completely unreliable as the FIR has been lodged after delay of a day, despite the inquest



report having been prepared in the informant's presence the day prior when he did not disclose the name of the accused persons. It is therefore submitted that entire prosecution case is nothing but an afterthought in order to implicate the petitioner with whom there was land dispute. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant has been heard.

5. Learned counsel for the informant submits that the petitioner allegedly took the informant's younger brother along with him and thereafter there was sound of gunshot. The post mortem report discloses charring injury caused by fire-arm which therefore leaves no manner of doubt that the accused persons have committed the offence.

6. According to the I.O. in paragraph 14 of the case diary, the family members of the deceased stating that they would file a written report the next day. The inquest report was prepared on the ninth day of the death in presence of the informant, who however did not disclose the name of the petitioner as is evident from paragraph 4 of the case diary.

7. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in in connection with Uphara P.S.Case No. 45 of 2018 on the following conditions--

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

HR/-

U		T	
---	--	---	--

