

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43936 of 2019

Arising Out of PS Case No.-59 Year-2019 Thana- KISHANPUR District- Supaul

Subdhar Yadav (M) aged 60 years, Son of Kankir Yadav, Resident of Parsa,
P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhouri Vipin Bihari Shrivastava and Ms. Patla Kumari, Advocates
For the Opposite Party/s	:	Mr. Naresh Kumar Mahto, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo*
motu appeared.

2. The petitioner seeks bail in Kishanpur P.S. Case
No. 59 of 2019 dated 21.03.2019 instituted under Sections 302,
307 and 34 of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner and two
others is of resorting to indiscriminate firing resulting in the
death of one person and injury to the informant.

4. Learned counsel for the petitioner submitted that
though he has been named in the FIR itself but except for general
and omnibus firing, it has not been alleged that he had



specifically fired either on the deceased or the informant. Learned counsel submitted that even the other eye witness who has been examined by the police during investigation has only stated with regard to the petitioner and others being present there and resorting to firing but has not assigned any specific firing on either the deceased or the informant by the petitioner. It was submitted that the petitioner has clean antecedent and is in custody since 13.04.2019.

5. Learned APP and learned counsel for the informant, from the case diary, submitted that there is allegation of the petitioner also firing which has also been stated by the witnesses examined by the police during investigation. However, on a direct query of the Court as to whether there was any specific allegation of the petitioner having fired on the deceased or informant, they were not in a position to show the same.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul, in Kishanpur P.S. Case No. 59 of 2019, GR No. 516 of 2019.



7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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