

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47534 of 2019

Arising Out of PS. Case No.-286 Year-2018 Thana- AMARPUR District- Banka

Mithun Yadav @ Mithun Kumar Yadav @ Mithun Kumar Son of Gopal
Yadav Resident of Village - Badi Mirzapur, P.S.- Kasimbazar, Distt - Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-10-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Amarpur P.S. Case No. 286 of 2018**, registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that one Nilesh Yadav came at the house of informant and said that Manohar Pandit called her husband for some work. Thereafter, her husband went to meet him and her *Dewar* Badal also accompanied him. Later on, Badal informed her that his brother was shot dead by all the four named accused. The informant went at the place of occurrence and found dead-body of her husband.

It is submitted by learned counsel appearing on behalf



of petitioner that petitioner has falsely been implicated in this case due to village politics. Informant is not an eye-witness of the occurrence. Deceased was himself a veteran criminal. In this case four witnesses have been examined, but they did not support the prosecution case. Allegation is that all the four accused persons have fired upon the deceased, but from perusal of postmortem report, it appears that only two injuries have been found on the person of the deceased. Petitioner is in custody since 20.07.2018.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 **Sessions Judge, Banka**, in connection with **Amarpur P.S. Case No. 286 of 2018 corresponding to Sessions Trial No. 423 of 2018**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) 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.

(Prabhat Kumar Singh, J)

vinita/-

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

