

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59204 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAOLI District- Nawada

DILIP YADAV, aged about 52 years, Male, Son of Sobhi Yadav, Resident of
Village-Purani Hardiya, P.S-Rajauli, District-Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajeev Nayan, Advocate.

For the Opposite Party : Mr.Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act. Later on, Sections 15, 18, 20 of U.A.P. Act and Section 120(B) of the IPC.

The prosecution story, in brief, is that on 02.02.2019 at about 8.00 A.M. the deceased Mahendra Yadav went to Suyartoli Jungle for grazing his cattle. The informant was also alongwith him. At about 2.30 P.M., the informant's uncle Harishchandra Yadav also reached there and after sometime at about 2.45 P.M. Lakhan Pandit, Biru Pandit and Vicky Pandit reached there. All accused persons forcibly tied both the hands of his father and uncle with Gamachha and from behind the



accused Dilip Yadav and Hari Pandit armed with rifle came there and the accused Lakhan Pandit took the rifle from Hari Pandit and fired at the chest of the informant's father and his father fell down on the floor. The accused Biru Pandit fired two bullets at the head of the informant's father and as a result he died. It has also been alleged the accused persons were ready to fire on the informant's uncle also but at the request of his uncle he was spared. Then the informant and his uncle fled away. Fee other persons were also standing at some distance to whom the informant could not identify.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 01.05.2019. 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 specific allegation of firing is against co-accused Lakhan Pandit and Biru Pandit. There is no allegation of firing against the petitioner. The petitioner is said to be the member of unlawful assembly. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the



petitioner is 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 Sessions Judge-X, Nawada, in connection with S.T. No. 219 of 2019, arising out of Rajauli P.S. Case No. 36 of 2019.

(Sudhir Singh, J)

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