

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.75603 of 2018

Arising Out of P.S. Case No.-151 Year-2018 Thana- SULTANGANJ District- Bhagalpur

Rajesh Yadav Son of Chusan Yadav, Resident of Village- Baikunthpur, P.S.-
Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Respondent/s : Mr. Abhay Kumar – 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
27.06.2018 in connection with Sessions Trial No.813 of 2018
arising out of Sultanganj P.S. Case No.151 of 2018 for the
offence alleged under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that while he was coming along with his mother and father from
the paddy field, 6-7 persons came and stopped them. They
started abusing them then the petitioner along with co-accused
Bikash Yadav pulled his father from the motorcycle. The
allegation upon co-accused Bikash Yadav is that he fired on the
informant's father which did not hit him. Thereafter, the
petitioner fired which hit the informant's father on his waist and



again co-accused Bikash Yadav fired on the temporal region which hit the informant's father who died on the spot. The cause of enmity is property dispute for which earlier also there was some firing against the informant's father. Altogether four accused are named in the FIR including the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that the main assailant is co-accused Bikash Yadav who fired on the temporal region of the informant's father and the allegation against the petitioner is of firing on the waist but the postmortem report suggests fire arm injury on the hip. He further submits that the allegation against the petitioner is not of firing on the vital part of the body and undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent as he is involved in one more case of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in



connection with Sessions Trial No.813 of 2018 arising out of Sultanganj P.S.Case No.151 of 2018 to the satisfaction of 7th Additional District & Sessions Judge, Bhagalpur, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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