

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 64233 of 2019**

Arising Out of PS. Case No.-357 Year-2017 Thana- SAHEBPUR KAMAL District-  
Begusarai

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Mantun Yadav, aged about 32 years, Gender Male, Son of Pogal Yadav @  
Asharfi Yadav Resident of Village- Gangia, P.S.- Gangaur, District- Khagaria.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate  
For the Opposite Party/s : Mr. Tapeshwar Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4. 20-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Sahebpur Kamal P.S. Case  
No. 357 of 2017 registered for the offence under Sections 385,  
307, 302 & 34 of the Indian Penal Code and Section 27 of the  
Arms Act.

The prosecution case is that while the informant with  
his family members were cultivating their land, the petitioner  
alongwith others came there and started abusing them, and  
thereafter, it is alleged that this petitioner gave order to kill  
them, as a result of which, co-accused Vinay Yadav opened fire,  
which hit informant's brother and he succumbed to his injury.

It is submitted on behalf of petitioner that as per F.I.R.,  
specific allegation has been made against co-accused Vinay  
Yadav, who shot fire on informant's brother, resulting in his  
death, but there is no overt act against the petitioner. He submits



that in the case, chargesheet has also been submitted and as such, there is no chance of tampering with the evidence. The petitioner is in custody since 21.06.2019 and he has got no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 Sri Balendra Shukla, Additional Chief Judicial Magistrate V, Begusarai in connection with Sahebpur Kamal P.S. Case No. 357 of 2017 on the following conditions:

(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J.)**

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