

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29039 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- OBRA District- Aurangabad

Baban Singh @ Baban Yadav, Son of Ram Chandra Yadav, Resident of
Village- Gijana, P.S.- Jamhar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-12-2020 Since as of now the Courts have not resumed
normal physical hearing, the matter has been listed today
for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Obra
P.S. Case No.104 of 2019, S.Tr. No.330/2019/174/2019,
registered for the offence punishable under Section 302/34
of the Indian Penal Code and Section 27 of the Arms Act.



In the *Tilak* ceremony of the informant's cousin sister's brother-in-law, Baban Singh, Vijay Singh and Manoj Singh resorted to celebratory firing. When the brother of the informant restrained them, accused Baban Yadav fired upon his brother Mukesh, who was taken to the hospital, where he has been declared dead.

It is submitted by the petitioner's counsel that the victim by chance came in the line of celebratory firing and as such, no offence under Section 302 I.P.C is made out against the petitioner. In the cross-firing, it is impossible to ascertain as to whose firing hit the victim. The father of the victim has been declared hostile at the trial. Four witnesses, who have been examined, have not supported the case against the petitioner. The petitioner has no criminal antecedents and is in custody since 26.10.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District & Sessions Judge-IX, Aurangabad, in connection with Obra P.S. Case No.104 of 2019, S.Tr. No.330/2019/174/2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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