

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68061 of 2019

Arising Out of PS. Case No.-420 Year-2019 Thana- BUXAR District- Buxar

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Shashi Yadav Son of Late Mukh Lal Yadav Resident of Village - Shanti
Nagar, Ward No.34, P.S.- Buxar (T), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the
offence punishable under section 302/34 of the IPC and section
27 of the Arms Act.

As per prosecution case, on 23.05.2019, when the
informant was on way to his house along with his brother and
friend after attending a marriage function, one unknown
miscreant fired on them as a result of which his brother
sustained injury and fell down, who in course of treatment died.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to
previous enmity. FIR is against unknown, later on during
investigation, after lapse of two months informant made
restatement that his friend Vijay Kumar Singh told him that it



was the petitioner who killed his brother. Version of the incident narrated in the FIR is different than the version given by the informant in his restatement. Petitioner is in custody since 10.07.2019. Charge sheet has also been filed in the case. There is no allegation of tampering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 the Chief Judicial Magistrate, Buxar in Buxar (T) Police Station Case No. 420 of 2019, on the following conditions:-

(1) 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 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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