

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77729 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- PHULPARAS District- Madhubani

HARIHARNATH YADAV @ HARIHAR NATH YADAV Son of Late Prayag Lal Yadav Resident of Village-Siswa Barhi, P.S-Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 22-01-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered under Sections 147, 148, 149, 341, 323, 504, 506, 307 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that the accused persons including the petitioner fired upon the husband of the informant. It is further alleged that co-accused Om Prakash Yadav fired upon husband of the informant, due to which, he sustained fire-arm injury.

Earlier prayer for bail of the petitioner was rejected vide annexure-1 to the present application with observation “*at this*



stage". In the light of the said observation, the present application has been preferred.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 18-02-2019. Charge has been framed. There is no chance of the trial being concluded in near future. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific allegation is against co-accused Om Prakash Yadav. The other co-accused with similar allegation have been granted bail by this court as well as by a coordinate bench of this court vide orders dated 25-10-2019 & 26-08-2019 passed in Cr. Misc. Nos. 68420 of 2019 and 39649 of 2019.

On behalf of the State and the informant, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the fact that the petitioner has remained in custody for a reasonable period and there is no chance of the trial being concluded in near future and further charge has already been framed, 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 learned Additional Sessions Judge, Jhanjharpur,



Madhubani in connection with Sessions Trial No. 327 of 2019
arising out of Phulparas P.S. Case No. 133 of 2018.

(Sudhir Singh, J)

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