

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83343 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- SARMERA District- Nalanda

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RAJBALLABH YADAV Son of Late Damodar Yadav Resident of Village -
Lodipur, P.S.- Kusumbha O.P., District - Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudish Kumar, Adv.
For the Opposite Party/s : Ms.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in **Sarmera P. S. Case No. 117 of 2019** instituted for the offence under Section(s) 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that informant, Jitu Kumar, along with his father, Manohar Yadav, was going to market but in the way, Dhanushdhari Yadav, Satyam Kumar, and Rajballabh Yadav (petitioner) surrounded the informant and his father and started to abuse. In the meantime, Dhanushdhari Yadav shot fire at the chest of father of the informant, who died on spot. Thereafter, all fled away. The cause of occurrence is that marriage of sister



of informant was performed with the petitioner's son but the son of petitioner, in spite of much request, did not take his sister in '*Bidai*'.

Learned counsel for the petitioner submits that while the petitioner is named in the FIR but, no specific overt act has been attributed to him, in fact, only allegation has been made against co-accused Dhanushdhari Yadav of firing at the chest of father of the informant. Further submission is that petitioner has no criminal antecedents. The other co-accused, namely Satyam Kumar @ Lalloo Yadav has been allowed anticipatory bail in Cr. Misc. no. 64138 of 2019. Petitioner is in custody since 23.7.2019.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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 the **CJM ,Nalanda at Bihar Sharif**, in connection with **Sarmera P. S. Case No. 117 of 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

(Madhuresh Prasad, J)

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