

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38471 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- NATHNAGAR District- Bhagalpur

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BALLI YADAV, S/o Jaikant Yadav, R/o Mohalla- Babu Tola, P.S.- Nathnagar,
District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Singh, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-03-2021 Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to F.I.R., seven F.I.R. named and 4-5 unknown persons started firing causing injury to Jawahar Yadav, as a result whereof, Jawahar Yadav died at the spot.

Learned counsel for the petitioner submits that only one fire arm injury was found at the abdomen, the vital part and rest were on non-vital parts of the body. It is difficult to attribute as to which of the eleven accused caused fatal wound. Moreover the informant does not appear to be an eye witness of the occurrence rather posed himself as an eye witness only after noticing the dead body of Jawahar Yadav whose murder was



committed by unknown. Petitioner is in custody since 01.06.2020. Investigation of the case is already complete.

Considering the lack of specific allegation against the petitioner and no material to substantiate that the petitioner is going to tamper with the evidence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Nath Nagar P.S. Case No. 212 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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