

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 509 of 2021

Arising Out of PS. Case No.-161 Year-2016 Thana- MOKAMAH District- Patna

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1. SHANKER YADAV S/o Ram Yadav Resident of Village-Tartar, P.S.- Ghoshwari, District-Patna.
 2. Sunil Yadav S/o Jagdish Yadav Resident of Village-Tartar, P.S.-Ghoshwari, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Mokama Police Station (for brevity, PS) Case No 161 of 2016 instituted for the offence punishable under Section 302 of Indian Penal Code and Section 27 of Arms Act.

Unknown persons have fired upon the informant's son and causing firearm injury on his shoulder, he has subsequently succumbed to the injury.

Petitioners are in custody since 17.06.2020. It is stated that they have no criminal antecedents. At a later stage, the petitioners, along with other co-accused persons, have been



named in the course of investigation. The chance witness has stated that the deceased was done to death by one co-accused Arun Yadav. Considering these facts, this Court had allowed the privilege of bail to co-accused Chandra Mauli Yadav @ Chandramauli Prasad and Awadhesh Yadav in Cr Misc No 30717 of 2019 and co-accused Manjay Yadav has also been granted bail by this Court in Cr Misc No 51643 of 2016.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh, District - Patna in Mokama PS Case No 161 of 2016 subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their



bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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