

Mahendra Yadav Vs. the State of Bihar

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Court : Patna

Decided On : May-24-2012

Appellant : Mahendra Yadav

Respondent : The State of Bihar

Judgement :

Patna High Court Cr.Misc. No.29328 of 2011 (3) dt.24-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.29328 of 2011
===== Mahendra Yadav, S/o Late Jagdish Yadav, resident of Village.-Phulparas, P.S.-Phulparas , District.-Madhubani Petitioner/s Versus The State of Bihar Opposite Party/s ===== 03. 24-01-2012 Heard learned counsel appearing on behalf of the parties. The petitioner is in custody in connection with Sessions Trial No. 40 of 2011 arising from Phulparas P.S. Case No. 138 of 2009 for offence punishable under Sections 307, 302/34 of the Indian Penal Code. Although the F.I.R. was instituted against unknown but the name of the petitioner has transpired during the course of investigation. Learned counsel for the petitioner submits that the occurrence having taken place on 22.08.2010, it took almost five months for the informant to realize regarding the complicity of this petitioner in the occurrence. The reasons behind the occurrences, is stated to be a long pending criminal case between the parties in which the husband of the deceased lady i.e. the brother of the informant is an accused in the murder of the father of this petitioner. It is stated that the trial is going on. Learned State counsel has drawn the attention of this Court towards

the statement made by an eye witness Shivji Yadav who has claimed to have seen this petitioner along with a gun riding on a motorcycle. Learned counsel for the petitioner submits that the statement having been taken almost one year of the occurrence creates doubt and Patna High Court Cr.Misc. No.29328 of 2011 (3) dt.24-01-2012 further that the petitioner having shot at the informant and his sister-in-law and being known to the informant, he should have been identified at the time of the assault itself. He thus submits that merely on the basis of suspicion that the petitioner has been roped in the present case. Taking into consideration the submission of learned counsel as also having perused the materials on record, let the petitioner Mahendra Yadav be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Fast Track Court No. IV, Madhubani in connection with Sessions Trial No. 40 of 2011 arising from Phulparas P.S. Case no. 138 of 2009 subject to the condition that the petitioner shall ensure his representation before the court below on each and every date fixed in the trial and the failure on the part of the petitioner to ensure his representation on two consecutive dates fixed in the trial without reasonable explanation to the satisfaction of the trial court, would entitle the court below to cancel his bail bonds and to take him into custody. (Jyoti Saran, J.) S.Sb/-

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