

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44391 of 2014

Arising Out of PS.Case No. -39 Year- 2014 Thana -KOTHI District- GAYA

Buttu Yadav Son of KalpuYadav R/o Village Bara P.S. Kothi, District
Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49306 of 2014

Arising Out of PS.Case No. -39 Year- 2014 Thana -KOTHI District- GAYA

Sanjay Yadav S/O;Kalpu Yadav Resident of Village -Bara-P.S.-Kothi
District -Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.8825 of 2015

Arising Out of PS.Case No. -39 Year- 2014 Thana -KOTHI District- GAYA

Ram Swaroop Yadav son of late Nageshwar Yadav resident of village -
Bara, P.S. Kothi, Dist - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 12-03-2015 All these applications arise out of Kothi P. S.
Case no. 39 of 2014 for the offence punishable under
Sections 302/34 of the Indian Penal Code, 27 of the
Arms Act and 3(i)(x) of the SC and ST Act, as such, they

have been heard together and are being disposed of by this common order.

The allegation against the accused including the petitioners is that they were armed with various weapons and have entered into the varendah of the informant and started assaulting the deceased. Sanjay Yadav cut the neck of the deceased and others were catching hold of the deceased. Apart from the named accused, there is also allegation that other unknown persons had also participated in the occurrence.

It is submitted that there is omnibus allegation against the accused including the petitioners except Sanjay Yadav and they have been implicated in this case due to land dispute. After investigation chargesheet has already been submitted and there is no chance of tampering with the witnesses.

Learned counsel for the State submits that there is specific allegation of overt act against Sanjay Yadav that he cut the neck of the deceased and others have facilitated in doing so.

Considering the facts and circumstances of this case, prayer for bail of petitioner Sanjay Yadav (in Cr. Misc. no. 49306/2014) is rejected and petitioners, namely, Buttu Yadav and Ram Swaroop Yadav, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sherghati, Gaya/court concerned in Kothi P. S. Case no. 39 of

2014 **after framing of charge** with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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