

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45020 of 2014

Arising Out of PS.Case No. -440 Year- 2014 Thana -KATIHAR District- KATIHAR

1. Tuntun Yadav son of Lalbabu Yadav,
2. Binod Yadav, son of Late Basudeo Yadav,
Both resident of Village/Mohalla- Barmasia, P.S.- Katihar Sahayak,
District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh
For the Opposite Party/s : Mr. Rajendra Nath Jha, Addl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-02-2015 Heard the parties.

The petitioners seek bail in a criminal prosecution registered under Section 302 and some other allied offences of the Indian Penal Code.

It is submitted that there is a case and counter case from both sides vide Annexures-1 and 2. It is further submitted that, as per the FIR vide Annexure-1, there is general and omnibus allegation of assault against all the accused persons including the petitioners to one Md.Shamim Akhtar, but admittedly death has not taken place on the spot. However, he subsequently died. It is also submitted that the charge-sheet has been submitted and the petitioners are in judicial custody since 28.08.2014.

Taking into consideration the aforesaid aspects particularly the allegation of assault against several accused persons including the petitioners and deceased has not died on the spot, the prayer for bail is allowed. The petitioners above named are directed to be released on bail on furnishing bail bonds of

Rs.25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar (Sahayak) P.S.Case No.440 of 2014, subject to the conditions that:

- (A) One of the bailors shall be a government servant,
- (B) the other bailor shall be family member or close relative of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (C) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (D) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Prasad Verma, J)

Arvind/-

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