

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 14406 of 2015

Arising Out of PS.Case No. -274 Year- 2013 Thana -BARAULI District- GOPALGANJ

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Amerika Prasad Yadav @ Amrica Prasad Yadav @ Amirka Prasad Yadav
Son of Late Ram Surat Yadav, Resident of Village - Piprahiya, P.O. and
P.S. - Barauli, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate.

For the State : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 07-10-2015

Heard learned counsel for the petitioner
and learned A.P.P. for the State.

This is the second attempt by the
petitioner seeking bail in Barauli P.S. Case No. 274 of
2013 dated 12.11.2013 instituted under Sections
147/148/149/323/341/307/504 of the Indian Penal
Code to which lateron Section 302 of the Indian Penal
Code was added.

Earlier, the prayer for bail was rejected by
order dated 03.07.2014 in Cr. Misc. No. 11451 of 2014.
The Court had also directed the Court below to expedite
the trial and conclude the same within nine months.

By order dated 21.05.2015, the Court had
called for a report from the Court below as to why the
order was not complied with. Pursuant to the same, a

report has been received from the Judicial Magistrate, 1st Class, Gopalganj dated 12.06.2015 in which the delay has been explained.

Learned counsel for the petitioner submits that for the same incident, there is a case and counter case and the case filed by the petitioner against the informant and others of the present case is earlier in time. It is further submitted that the injury on the person of the victims in the case filed by the petitioner is more serious than that of the present case. Learned counsel submits that initially the informant, who is the wife of the deceased, had stated that the petitioner assaulted the deceased with bamboo stick on the head and later on she has stated that the deceased was hit on the back of the head by the petitioner. Learned counsel submits that out of the five accused, four have already been granted bail and the petitioner, having clean antecedent and being aged about 70 years, is languishing in jail since 13.11.2013. Learned counsel for the petitioner further submits that the deceased was only injured on the date of occurrence and died after three days.

Learned A.P.P. submits that the petitioner is accused of hitting the deceased with bamboo stick on the head.

Considering the facts and circumstances

of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalgain in Barauli P.S. Case No. 274 of 2013.

The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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