

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7317 of 2015

Arising Out of PS.Case No. -102 Year- 2014 Thana -BHORE District- GOPALGANJ

- =====
1. Baij Nath Yadav Son of Munnilal Yadav, Resident of Village - Sirisiyan, P.S. - Bhorey, District - Gopalganj.
2. Manager Yadav Son of Late Ram Darash Yadav, Resident of Village - Bhopatpur Parsahi, P.S. - kateya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s Mr. Durgesh Nandan (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 26.02.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bhorey P. S. case no. 102/2014 registered under section 302/34 of the IPC.

Informant claimed to be eye-witness of alleged occurrence and made allegation specifically against five named accused and two unknown persons.

Admittedly, petitioners are co-villagers as well as agnates of the informant. Furthermore, it appears that informant filed protest petition in the court of the Chief Judicial Magistrate, Gopalganj and in the said protest petition, he did not name the petitioners as accused. Furthermore, it appears from perusal of the impugned order that in course of investigation, some witnesses claimed that the deceased was killed in the house of the petitioners and other accused and thereafter,

his body was thrown in front of the house of named accused persons. Even if it is assumed that deceased was killed in the house of the petitioners and other accused, then also, witnesses, who claimed about involvement of the petitioners in the alleged crime, had no opportunity to see the actual killing of the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Bhorey P. S. case no. 102/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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