

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38302 of 2014

Arising Out of PS.Case No. -127 Year- 2013 Thana -VIJAYPUR District- GOPALGANJ

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1. Hare Ram Yadav S/o Late Laxmi Yadav
2. Shashi Yadav @ Shashi Kumar Yadav S/o Hare Ram Yadav
3. Lakshman Yadav @ Lattu Yadav S/o Ram Awadh Yadav Petitioner no. 1
and 2 are Resident of village- Samarpur, whereas petitioner no.-3 is resident
of village- Bijaipur, and all are of P.S.- Bijaipur, District- Gopalganj

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Dhananjaya Nath Tiwari

For the Opposite Party : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 16-07-2015

Heard both sides.

All the three petitioners herein cited as accused
in Bijaipur P.S. case no. 127 of 2013 registered under section 302
of the IPC.

Prosecution case is that on 25.7.2013 the accused
persons were ploughing the field which was forcibly objected by
the mother of the informant who is 70 years old. Seeing the
obstruction, she was assaulted by fist and slap. It is alleged that
the following day the mother died.

Learned counsel for the petitioners submits that
from bare perusal of the FIR, it would appear that the mother of



the informant was only fisted when she offered obstruction in ploughing the field which belonged to the petitioners. There is material in the case diary that both the parties had thereafter approached the station house officer on the following day with their respective papers. The police on conclusion of investigation submitted final form and did not sent them up for trial as there was no material to support the prosecution case. Differing with the report the cognizance has been taken and hence the apprehension.

Learned APP for the State, on the other hand, states that the victim died of cardiac tamponade caused by rupture of ventricular aneurysm.

Taking into account the aforesaid facts, I am persuaded to privilege the petitioners with anticipatory bail. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Gopalganj in connection with Bijaipur P.S. case no. 127 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-



- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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