

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32764 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

1. Binod Yadav S/o Late Bana Yadav Resident of Village Nailly, P.S.
Magadh Medical, Gaya, District Gaya..... Petitioner

Versus

1. The State of Bihar Opposite Party

with

Criminal Miscellaneous No.44874 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

1. Dipu Yadav, S/o Late Bagad Yadav @ Ram Pravesh Yadav, Resident of
Village- Khatkachak, P.S.- Vishnupad, District- Gaya..... Petitioner

Versus

1. The State of Bihar Opposite Party

with

Criminal Miscellaneous No.45305 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

1. Ranjan Yadav S/o Late Natai Yadav, Resident of village- Khatkachak,
P.S. Vishnupad, District- Gaya... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.32764 of 2015)

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

(In Cr.Misc. No.44874 of 2015)

For the Petitioner/s : Mr. Gaurav Govind

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

(In Cr.Misc. No.45305 of 2015)

For the Petitioner/s : Mr. Gaurav Govind

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 09-11-2015

Above noted applications have arisen out of one
occurrence i.e. Magadh Medical Gaya P.S. Case No. 108 of 2014
registered for the offences punishable under Sections 302/34 of the

Indian Penal Code, as such they have been heard together and are being disposed of by this common order.

Allegedly, the petitioners and other FIR named accused persons dragged the informant's son and took him towards east side and in the next morning the dead body of the informant's son was recovered from the field. The occurrence has been caused due to grazing of wheat by buffalo of the petitioners and others.

Submission is of false implication and due to earlier dispute, the prosecution story appears to be not probable and reliable and similarly situated co-accused Mohan Yadav @ Kutumba Yadav who is also named in the FIR has been allowed bail and as such the petitioners also deserve sympathetic consideration to which learned APP is not in a position to distinguish the case of the petitioners from that of co-accused.

In the facts and circumstances stated above, considering that there is no specific allegation and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named of above noted three applications are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Gaya in connection with Magadh Medical
Gaya P.S. Case No. 108 of 2014, subject to the conditions that one
of the bailors must be a near relative and another having sufficient
immovable property within the territorial jurisdiction of the court
concerned and the petitioners shall remain present on each and
every date during trial and the default on two consecutive dates on
their part without any reason shall disentitle the petitioners from
privilege of bail.

(Jitendra Mohan Sharma, J)

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