

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16889 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -KAUAKOL District-
NAWADA

- =====
1. Bhuneshwar Yadav Son of Late Rameshwar Yadav
2. Govind Yadav Son of Late Sita Ram Yadav All resident of village -
Mananiatari, P.S. Kawakole, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.16940 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -KAUAKOL District-
NAWADA

- =====
1. Bishundeo Yadav @ Vishundeo Yadav @ Vishnudeo Yadav son of Late
Sital Yadav
2. Devendra Yadav son of Late Lakhan Yadav, Both resident of village-
Mananiatari, P.S. Kawakole, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16889 of 2015)

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the Opposite Party/s : Mr. M.K. Khare (APP)

(In Cr.Misc. No.16940 of 2015)

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the Opposite Party/s : Mr. S.M.Rahman(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 06-05-2015

Heard both sides.

The petitioners apprehend their arrest in Kauakole P.S.

Case no. 104 of 2014, registered for the offences punishable under

Sections 302, 201/34 of the Indian Penal Code.

The informant alleged that she came to know on 6.08.2014 that Arun Yadav, Barun Yadav, Ambika Yadav, Devendra Yadav, Govind Yadav and others killed Shekhar Yadav and disposed of the dead body.

Learned counsel for the petitioners submits that Bhuneshwar Yadav is not named in the FIR. Vishundeo Yadav, Devendra Yadav and Govind Yadav are named in the FIR. There is omnibus and general allegation against the petitioners. The informant is not an eye-witness of the occurrence. Three witnesses namely Chando Yadav, Vipin Yadav and Maheshwar Yadav disclosed the name of the petitioner and other accused persons on 8.08.2014, thereafter three witnesses namely, Mukesh Yadav, Jitendra Yadav and Guddu Yadav made their statement under Section 164 of Cr.P.C. claiming themselves to be the eye-witnesses of the occurrence.

It is submitted that the presence of the witnesses at the place of occurrence is doubtful as they did not come forward either to lodge the case forthwith or depose before the police. It is further submitted that co-accused Ajit Yadav whose case stands on the same ground as that of the petitioner has already been enlarged

on bail vide order passed in Cr. Misc. no 4051/2015 and co-accused Sambhu Yadav has been granted regular bail vide order passed in Cr. Misc. no. 2534 of 2015. Thereafter co-accused Ambika Yadav and Arun Yadav were granted bail.

Learned counsel for the informant, however vehemently opposed the prayer for bail of the petitioners but did not dispute the fact that the case of the petitioners in any way different from the case of Ajit Yadav.

Considering the facts aforesaid, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Kawakole P.S. Case No. 104 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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