

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50072 of 2015

Arising Out of PS.Case No. -146 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Jaje Yadav @ Judge Yadav son of late Basgit Yadav
2. Suresh Yadav son of late Basgit Yadav Both resident of village- Mariya,
P.S.- Nawa Nagar, Dist.- Buxar. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. A.L. Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 15-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Nawanagar
P.S. Case No. 146 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly the petitioners and other F.I.R. named
accused persons caught the husband of the informant and the
petitioner, Judge Yadav wrapped *Gamcha* and got the husband of
the informant down, the petitioner Suresh Yadav and co-accused
Rajesh Yadav assaulted with fist and slap and co-accused Sanjay
Yadav shot him near his left ear, causing the death of the husband
of the informant.

Submission is of false implication and that the
petitioners are not the assailant, due to land dispute they have been
implicated, no injury of hard and blunt substance has been found

on the person of the deceased, the petitioners are in custody since 02.09.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that in a pre-planned manner, the petitioners and others killed the husband of the informant.

In the facts and circumstances stated above, considering that the petitioners are not the assailants, chargesheet has already been submitted and, as such, they are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Buxar arising out of Nawanagar P.S. Case No. 146 of 2015 subject to the conditions that one of the bailors must be 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.

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(Jitendra Mohan Sharma, J)