

Arising Out of PS.Case No. -281 Year- 2013 Thana -CHANDAULI District- GAYA

Versus

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

CORAM: HONOURABLE MR. JUSTICE V. NATH

3 10-04-2015

Heard the learned counsel for the petitioners as

well as learned additional public prosecutor.

The petitioners seek regular bail in connection with Chandaoti P.S.Case No. 281 of 2013 under Sections 147, 149,341,302 of the Indian Penal Code and under Section 3/4 Daeen Act.

The first information report discloses that there was earlier allegations and dispute in between the husband of the informant and co-accused Yamuna Bhuyain. It further discloses that on the date of occurrence in the night at 10.00 P.M. the said Yamuna Bhuyain alongwith the petitioners forcibly entered the house of the informant, assaulted her husband whose dead body was found beside the railway track in the morning.

The learned counsel for the petitioners has

submitted that the conduct of the informant does not appear to be normal human conduct when even in the face of assault upon her husband in the night at 10.00 P.M., she did not choose to inform the co-villager or her son who also resides in another house in the same village. The learned counsel for the petitioners has also further submitted that during the course of investigation it has also come that the deceased was a drunkard and therefore the chance that he might have died in train accident cannot be ruled out.

The learned additional public prosecutor has opposed the prayer of bail.

In view of the facts and circumstances of the case and after considering the submissions, let the above named petitioners be released 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 Sub Divisional Judicial Magistrate, Gaya in connection with Chandauti P.S.Case No.281/2013 subject to the following conditions:

- (a) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court;
- (b) The petitioners shall be well represented on each date in the

court below and their failure to do so on two sequential dates shall entail cancellation of their bail bonds;

(c) The petitioners shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move the Court for cancellation of bail.

(V. Nath, J)

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