

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14422 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -AJIMABAD District- BHOJPUR

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Lal Bahadur Yadav @ Bahadur Yadav, Son of Late Naresh Yadav, Resident
of Village- Kirkiri, P.S.- Azimabad, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. H.A.Khan(App)

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

3 16-05-2016 Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Azimabad P.S. Case No. 25 of 2015 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, Ajay Singh @ Ajay Kumar Singh
informed Chaukidar Brijmohan Yadav that one thief has entered in
his house and then the chaukidar (informant) went at the house of
Ajay Singh and found one youth dead and on enquiry it was told
by Ajay Singh that the thief was assaulted by them and other
family members after tying him and thereafter villagers Satendra
Mistri, Lal Bahadur Yadav, Umesh Yadav and 15 to 20 persons
assaulted the thief with a rod and danda till his death.



Submission is of false implication and that the deceased was of village Khahin, Chatarpur, Palamu which is evident from the statement of the father of the deceased and with intention to commit theft, he entered into the house of Ajay Singh and then he was assaulted by the villagers resulting he died. The petitioner has not killed the deceased which is evident from paragraph 67 of the case diary wherein Ramakant Sah, an eye witness has stated the name of the petitioner as not assailant and as such the petitioner is suffering in custody since 07.01.2016 deserves sympathetic consideration. Other co-accused Ajay Singh and Sanjay Singh have already been allowed bail.

The learned A.P.P submits that during investigation, it has come that the deceased was called by one Kiran Devi and he went there and was killed. The matter appears to be of lover affairs.

In the facts and circumstances stated above, considering the statement of Ramakant Sah vide para 67 of the case diary and as the petitioner is not the assailant and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Azimabad

P.S. Case No. 25 of 2015, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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