

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22297 of 2016

Arising Out of PS.Case No. -394 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

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1. Ram Nath Yadav S/o late Nanhak Yadav
2. Lakshaman Yadav S/o Ram Nath yadav
Both resident of Village- Daraudha, PS Ara Muffassil District Ara.
..... Petitioners

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-07-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Ara Muffasil
P.S. Case No. 394 of 2015 registered for the offences punishable under
Sections 147, 148, 149, 448, 323, 325,302 of the Indian Penal Code
and Sections 3 /4 of Prevention of Witch (Daain) Practices Act.

Allegedly, on the order of the petitioner no. 1 Ram Nath
Yadav, co-accused Gopal Yadav assaulted the mother of the informant
with iron rod on her head, resulting, she fell down and started twisting,
thereafter, ladies accused persons also assaulted her with Danda and she
died.

Submission is of false implication due to land dispute, the
petitioners have unnecessarily been implicated in this case, they have
never said the mother of the informant as Daain, the mother of the
informant was an old lady having chronic diseases and she died on

account of heart attack, the petitioners are not the assailant and without any fault they are suffering in custody since 04.01.2016 and 10.12.2015 respectively having no criminal antecedent, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP fairly submits that as per first information report Gopal Yadav is the assailant.

In the facts and circumstances stated above, the petitioners above named 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 394 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 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)

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