

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50973 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -PIPRASI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Agalu Yadav @ Alagu Yadav Son of late Nageshwar Yadav R/o Village Ausani, P.S. - Bagaha, Patkhauli, District - West Champaran.
 2. Shyam Badan Yadav Son of Hari Yadav
 3. Jagai Yadav Son of late Thakur Yadav Both are resident of Village- Bahiri Sthan, P.S.- Piparasi, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioner nos. 1 and 2 are languishing in judicial custody since 15.06.2016 and petitioner no.3 is languishing in judicial custody since 05.06.2016 in connection with Piparasi P.S. Case No. 01 of 2016 registered for the offence punishable under Sections 302, 307 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 29.01.2016 while the informant along with his family members were going to his field to supply sugarcane into the

factory, in the way, his brother, Dasarath Bin was dashed by the tractor by the accused persons. Accused persons also assaulted informant and his other family members.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. It has further been submitted that altogether allegation is upon 12 accused persons and no specific allegation is made out against these petitioners. It has further been submitted that at best petitioners can be members of unlawful assembly and that they do not have any criminal antecedent. It has further been submitted that charge sheet has been submitted against them, hence, there is no chance of tampering with the prosecution evidence. He further submits that similarly situated co-accused has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 35081 of 2016 on 20.10.2016.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since on similar allegation another co-accused has been granted the privilege of bail, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two

sureties of the like amount each to the satisfaction of the learned
Additional Chief Judicial Magistrate, Bagaha, West Champaran in
connection with Piparasi P.S. Case No. 01 of 2016.

(Nilu Agrawal, J.)

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