

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5737 of 2016

Arising Out of PS.Case No. -537 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Gulab Yadav, aged about 60 years S/o Late Kallar Yadav
2. Rajendra Yadav, aged about 25 years, S/o Gulab Yadav
3. Famindra Yadav @ Famind Yadav @ Famidar Yadav S/o Gulab Yadav
All resident of Village- Nanhku Mandal Tola, P.S.- Khagaria (Mufassil)
District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Md.Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-02-2016

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

Petitioners seek bail in connection with Khagaria Mufassil P.S. Case No. 537 of 2015 registered for the offences punishable under Sections 147, 148, 149, 448 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner no. 1 instigated other co-accused to kill Fulo Yadav, the husband of the informant and then co-accused Raja Ram Yadav and petitioner no. 2 caught hold the husband of the informant and petitioner no. 3 caught hold the informant after pressing her mouth and other co-accused Nako Yadav @ Navin Yadav and Dhutharu Yadav @ Dhuto Yadav shot the husband of the informant causing his death.

Submission is of false implication and that no

occurrence as alleged has taken place, the informant has implicated the petitioners also only with a view to give colour to this case, the petitioner no. 1 is suffering in custody since 14.08.2015, whereas, petitioner no. 2 and 3 are suffering in custody since 29.09.2015 and, as such, they deserve sympathetic consideration.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that petitioners are not the assailants and, as such, they 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 C.J.M., Khagaria in connection with Khagaria Mufassil P.S. Case No. 537 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.

(Jitendra Mohan Sharma, J)

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