

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7745 of 2016

Arising Out of PS.Case No. -39 Year- 2014 Thana -RAJNAGAR District- MADHUBANI

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1. Kameshwar Yadav son of Ramautar Yadav, resident of village Kamla Bari, Harlekha, P.S. Nayagaon, District- Madhubani

2. Kailash Yadav, son of Ram Bahadur Yadav, resident of village- Bagwan, P.S.- Hayaghat, District- Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Adv.

For the Opposite Party/s : Mr. M.K. Khare (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 06-04-2016 Heard learned counsel, appearing on behalf of the petitioners, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Raj Nagar P.S.Case No. 39/2014, disclosing offences under sections 392/34 of the Indian Penal Code.

Petitioner no.1 is Homeguard and petitioner no.2 is Kachhpal. Both of them were posted at the relevant point of time in Sub Jail, Madhubani. The deceased was lodged in jail on the date of occurrence i.e. 13.2.2014. A written statement of the informant, Pawan Yadav, is the basis for institution of the F.I.R., wherein he has alleged that the officials and personnel of jail badly assaulted the deceased leading to his death on 14.2.2014. In the F.I.R. the petitioners have not been named.

Learned counsel for the petitioners has submitted that even in course of investigation no material has come attributing any assault caused by these petitioners. He further submits that these persons have been made accused only because they were present in the jail on the said date.

Learned Addl. Public Prosecutor, appearing on behalf of the State, could not controvert the submissions so advanced on behalf of the petitioners, on the basis of the case diary.

Considering the above, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, 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 Sri Shashi Bhushan Prasad, Judicial Magistrate, 1st class, Madhubani in Raj Nagar P.S. Case No. 39/2014, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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