

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22291 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

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1. Hazari Yadav, S/o Late Surya Nath Singh, resident of Village- Kolhai Varuna, P.S. Akhodhi Gola, Distt- Rohtas	 Petitioner
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Versus

1. The State of Bihar	 Opposite Party
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Appearance :

For the Petitioner : Mr. Usha Rai, Adv.

For the Opposite Party : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-08-2016 Heard the learned counsel for the petitioner and the
counsel for the State.

The petitioner is in custody since 30.11.2015 in connection with Akodhi Gola P.S. Case No. 123 of 2015 (Sessions Trial No. 43 of 2016) registered for an offence under Section 302/34 of the Indian Penal Code.

The prosecution case is that the informant's mother was sitting on her door and all the accused persons assaulted her by spade due to which she died. At that time the informant and other family members were not present in the house.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.11.2015. Charge sheet has been submitted in the case. There is no criminal antecedent against the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is 60 years old.

It has, further, been submitted that general and omnibus allegation has been made against the petitioner. The informant is not the eye witness to the alleged occurrence. In course of the investigation, one of the eye witnesses was examined

in paragraph 9 of the case diary. He has made a specific allegation against the co-accused, Santosh Singh, who assaulted upon the deceased.

On behalf of the State, it is submitted that the petitioner is named in the first information report.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Akodhi Gola P.S. Case No. 123 of 2015 (Sessions Trial No. 43 of 2016) to the satisfaction of the Additional District and Sessions Judge, VII, Rohtas at Sasaram.

(Sudhir Singh, J)

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