

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45817 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

=====

1. Chandan Yadav son of Mahendra Yadav @ Pataniya null
2. Lulahwa @ Lolo Yadav son of Ramswroop Yadav @ Lakhpati Yadav
Both resident of village- Noorpur, P.S.-Madhusudanpur (Nathnagar),
District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

Petitioners seek bail in connection with Nathnagar P. S.
Case No. 73 of 2016 registered for the offences punishable under
Sections 307 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case as lodged by the informant is that
some unknown persons fired upon him with intention to kill him
which hit only on the glass of his main gate of his readymade cloth
shop. It is further alleged that one month prior Bachchu Yadav had
come to his shop and told the informant to depose in a case of
Pawan Yadav @ Pawaniya, who is already in jail in connection



with a criminal case.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. F.I.R. has been lodged against unknown and it is only on the basis of confessional statement of one Lavis Yadav that the petitioners' name surfaced. The said co-accused in his confessional statement has merely stated that petitioners accompanied one Pawan Yadav @ Pawaniya but no other allegation of any overt act has been levelled against them and that petitioner No. 1 is in custody since 05.05.2016 and petitioner No. 2 is in custody since 15.06.2016. He further submits that no T.I.P. has been done so far and charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that one case is pending against petitioner No. 1 under Section 498 (A) and three cases are pending against petitioner No.2, hence opposes the prayer for bail.

Considering the facts and circumstances, the allegation against the petitioners is only of accompanying the co-accused and materials reveal that the release of petitioners will not adversely effect the trial, hence in the interest of justice, let the petitioners,



above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge- III, Bhagalpur in connection with Sessions Trial No. 503 of 2016 arising out of Nathnagar P.S. Case No. 73 of 2016.

This is however subject to the condition that the petitioners will file an undertaking duly supported by their personal affidavit before the Trial Court and they will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

