

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13201 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -KHARAGPUR District- MUNGER

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1. Sakaldev Yadav Son of Akhilesh Yadav, resident of village- Ganauli,
P.S.- Kharagpur (Gangta), District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 21-06-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302, 341, 323, 307 and 504/34 of the I.P.C

Allegedly, the petitioner and other FIR named accused persons being armed with *Lathi* and *Danda* started abusing and assaulting Sudho Yadav, father of the informant, resulting his head was ruptured and when his mother and wife of the informant went for rescue they were also assaulted. The informant was also assaulted by *Lathi* and thereafter the accused persons fled away. During treatment Sudho Yadav died.

Submission is of false implication and that in the FIR



there is no specific allegation against the petitioner, in this case Kamdev Yadav has been allowed regular bail, whereas, Sushila Devi and others have already been allowed pre-arrest bail and the petitioner is suffering in custody since 16.01.2016, during investigation one witness Prahalad Yadav has stated that the petitioner assaulted Sudho Yadav with *Lathi* on his head, whereas, the injured Dropadi Devi, the wife of the deceased, vide paragraph 63 of the case diary, has given fardbeyan that the petitioner assaulted with *Butt* of gun to the deceased and as such the prosecution story appears not reliable and there is contradictions and development in her statement.

The learned A.P.P. submits that against the petitioner it has come that he has assaulted the deceased.

In the facts and circumstances as stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Munger in Kharagpur (Gangta) P.S. Case No. 09 of 2015/ G.R. No. 47 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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