

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30550 of 2016

Arising Out of PS.Case No. -82 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

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1. Fajil Yadav Son of Ram Narain Yadav.
 2. Deepak Yadav @ Vibhaw Yadav, Son of Ram Dev Yadav.
Both resident of village- Chhotki Mauji, P.S..-Bakhri, District- Begusarai
(Bihar).

.... Petitioner/s

Versus

The state of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the State : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with
Hasanpur P.S. Case No. 82 of 2014 dated 25.06.2014 instituted under
Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioners is of
involvement in the killing of one person.

Learned counsel for the petitioners submits that they
are neither named in the F.I.R. nor there is any allegation of them
being present at the time of occurrence, from a plain reading of the
fardbeyan itself. It is further submitted that only due to there being
statement of some witnesses that at the time of occurrence, the
petitioners were also seen moving around with co-accused Ajay

Yadav, they have been made accused. It is submitted that due to village politics, they have been implicated, having no criminal antecedent.

Learned A.P.P. submits that one of the witnesses during investigation has stated that the petitioners were also moving along with the co-accused Ajay Yadav and, thus, they cannot claim innocence.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Rosera, Samastipur in Hasanpur P.S. Case No. 82 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two

consecutive dates, without sufficient cause, shall also lead to
cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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