

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52825 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -ATRI District- GAYA

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1. Chandrika Yadav @ Chanarik Yadav son of Late Brahmdeo Yadav,
2. Birendra Yadav son of Late Munsi Yadav, Both resident of Village
Gulabi, P.S. Atri, District Gaya Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN

SHARMA

ORAL ORDER

5 09-02-2016

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor representing the State.

The petitioners seek bail in connection with Atri P.S. case No. 221/ 2014 registered for the offences punishable under sections 341, 323, 325, 504/34 of the Indian Penal Code in which subsequently section 302 of the Indian Penal Code was also added.

The petitioners are named in the first information report along with others that they and unknown 10-15 persons, being armed, came and took away Munarik Yadav, father of the informant, after dragging him and thereafter he was shot causing injury to him. During the treatment, father of the informant died and again the statement of the informant was recorded wherein he has specifically stated that co-accused Nanhak Yadav and Binod Yadav caught the father of the informant, took away after dragging him and shot him dead, which finds support in the

further statement of the informant vide paragraph 28 of the case diary also and, as such, the petitioners are not the assailants and against them there is general and omnibus allegation. Similarly situated accused Rameshwar Yadav @ Rameshar Yadav has been allowed bail vide Cr. Misc. No. 24009/2015 by order dated 06.07.2015 and, as such, the petitioners also deserve sympathetic consideration to which the learned A. P. P. does not dispute.

In the facts and circumstances stated above, the petitioners, namely, 1. Chandrika Yadav @ Chanarik Yadav and 2. Birendra Yadav are also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, 2nd, Gaya in connection with Atri P.S. case No.221/ 2014, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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