

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2982 of 2017

Arising Out of PS.Case No. -181 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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Satish Kumar @ Chattiash @ Satish Yadav Son of Mithilesh Yadav
Resident of Village- Takra, P.S.- Rafiganj, Distric- Aurangabad(Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 26-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.01.2016 in connection with Rafiganj P.S. Case No. 181 of
2015(G.R. No. 2138 of 2015, Sessions Trial No. 292 of 2016/100
of 2016) registered for the offence punishable under Sections 147,
148, 149, 341, 323, 325, 307 and 302 of the Indian Penal Code.

The prosecution case is that on 14.11.2015 at 2:00
P.M., the father of the informant, Ram Ishwar Yadav and his
mother, Amanti Devi were harvesting paddy in south badhar of the
village and the informant had gone to attend tuition at Rafiganj.
He was telephonically informed at 5:00 P.M. that his father has
been beaten by the accused persons by means of lathi, danda and



has become unconscious and he was asked not to come to house, otherwise he will also be killed. The informant came and concealed himself in the room. At about 5:00 P.M. when the police came, he came out from the house and he saw that his father is dead and mother has also received injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and allegation is upon 11 accused persons including the petitioner and as such no injury can be attributable to the petitioner alone. It has been submitted that the deceased was himself of a criminal character and had also killed his father, which is evident from the statement of the independent witnesses contained in paragraphs 19 and 21 of the case diary. It has further been submitted that even the wife of the deceased, who was with him at the time of occurrence, has not made any specific allegation against the petitioner. However, bail application moved earlier by the petitioner along with one another had been rejected by this Court in Cr. Misc. No. 12047 of 2016. It is submitted that charge-sheet has been submitted and petitioner is facing trial and is ready to co-operate with the trial.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence,



opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Aurangabad in connection with Rafiganj P.S. Case No. 181 of 2015 (G.R. No. 2138 of 2015, Sessions Trial No. 292 of 2016/100 of 2016), subject to the condition that one of the bailors would be close relative of the petitioner, who will file an affidavit indicating his relation with the petitioner and that petitioner will appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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