

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22201 of 2017

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

=====

Kedar Yadav, S/o Late Chandradeo Yadav, resident of Village- Takra
Khaira, P.S.- Rafiganj, Dist- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 28.01.2016
in connection with Sessions Trial No. 292 of 2016/ 100 of 2016
arising out of Rafiganj P.S. Case No. 181 of 2015 for the offences
alleged under Sections 302, 307, 325, 323, 341, 147, 148 and 149
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, 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 the 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 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, rather, the deceased was a person of criminal antecedent. It is further submitted that the allegation in the First Information Report is against 11 persons, including the petitioner, which is general and omnibus and no specific allegation has been made against the petitioner so as to make out the injury caused, attributable to the petitioner. He further submits that the mother of the informant, who is stated to be at the alleged place of occurrence, has also not made any specific allegation against this petitioner. However, bail application moved by the petitioner along with one another, bearing Cr. Misc. No. 11848 of 2016 had been rejected by order dated 24.05.2016 by this Court. It is submitted that the charge-sheet has already been submitted and petitioner undertakes to cooperate with the trial. He submits that another co-accused has since been granted the privilege of bail by this Court in Cr. Misc. No. 2982 of 2017 on 26.04.2017.



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 and that another accused person has since been granted the privilege of bail by this Court, 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 Sessions Trial No. 292 of 2016/ 100 of 2016 arising out of Rafiganj P.S. Case No. 181 of 2015, subject to the condition that one of the bailors would be a 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 on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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

