

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24603 of 2017

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

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Ramadhar Yadav @ Adhar 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

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Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-06-2017 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 offence 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. 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 and although the mother of the informant named 11 persons, but she has not specifically named the petitioner and the allegations are general and omnibus against all the accused persons and it is not known on account of whose assault, father of the informant received injuries and died. 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 has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. Petitioner undertakes to cooperate with the trial. He submits that another co-accused, whose prayer for bail was rejected along with the petitioner by order dated 24.05.2016 passed in Cr. Misc. No. 11848 of 2016, has since been granted the privilege of bail by this Court in Cr. Misc. No. 22201 of 2017 on 10.05.2017. He submits that similar allegations have been levelled against the petitioner.



However, learned A.P.P. for the State submits that the petitioner along with other accused persons variously armed with weapons, has killed the father of the informant, 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.)

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