

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32265 of 2017

Arising Out of PS.Case No. -497 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Rambadan Yadav @ Benchu Yadav son of late Devnarayan Yadav, resident
of village-Sangawa, P.S. Darigaw, District-Rohtas (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 31-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.06.2014 in connection with S.Tr. No. 130 of 2015 arising out
of Sasaram (Darigaon) P.S. Case No. 497 of 2014 for offences
punishable under Sections 447, 323, 324, 302, 307 and 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was sleeping on the roof of the house along with his
younger brother and his elder brother Manoj Yadav was sleeping
inside the house on the ground floor, eight named accused persons
entered the house and killed his elder brother Manoj Yadav by
means of Garasa and when he came to save he also sustained
injury. The cause of dispute is that 10 days back there was some



altercation between both parties.

It has been submitted by the learned counsel for the petitioner that the petitioner is the father of the informant and in the re-statement, the petitioner is alleged to have caused Garasa blow on his elder brother Manoj Yadav and injured the informant. He submits that the Fardbeyan and the re-statement of the informant are contradictory to each other that the petitioner is the own father whose confessional statement before the police has no evidentiary value in the eye of law.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-4, Sasaram, Rohtas in connection with S.Tr. No. 130 of 2015 arising out of Sasaram (Dorigaon) P.S. Case No.497 of 2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and



that petitioner will appear before the learned court below during trial as and when required 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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