

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27088 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -BARHARIA District- SIWAN

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1. Santosh Kumar Yadav, son of Radha Chaudhary @ Radha Yadav,
 2. Manoj Kumar Yadav, son of Radha Chaudhary @ Radha Yadav,
 3. Lambu Manjhi @ Laddu Manjhi, son of Prem Shankar Manjhi, All are residents of Village- Bangra Bujurg, Police Station- Barharia, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-07-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 14.03.2017 in connection with Barharia P.S. Case No. 79 of 2017 registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that as many as 11 persons, including the petitioners came at his door for drinking alcohol and when objection was raised, all of them came armed with lathi, danda and bricks and started assaulting the informant's side in which father of the informant



sustained injuries and succumbed.

It is submitted by the learned counsel for the petitioners that they are innocent, have no criminal history and the matter relates to small incident where minor altercation took place between the parties. He further submits that the postmortem report specifies four injuries and the allegation is against 11 persons, including the petitioners of hitting the deceased, Sitaram Yadav and other persons of the informant's side. It is further submitted that the postmortem report suggests cause of death on account of injury on the head caused by hard object, which cannot be only attributable to the petitioners and general and omnibus allegations have been made. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioners along with other co-accused caused injury resulting in death of father of the informant, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand



only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barharia P.S. Case No. 79 of 2017, subject to the condition that one of the bailors of each of the petitioners would be close relative having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioners and that petitioners will appear before the learned Court below on each and every date and failure to appear before the learned Court below on three consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J.)

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