

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27452 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -AMAS District- GAYA

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1. Deoki Yadav, son of Ram Kishun Yadav,
 2. Bali Ram Yadav, son of Deoki Yadav, Both resident of Village- Rajpur,
P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 25-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
17.03.2017 in connection with Amas P.S. Case No. 59 of 2017
registered for the offence punishable under Sections 147, 323 and
302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he came out of the house for natural call, he found five
co-accused persons throttling his brother, Manoj Yadav and killing
him. Allegation upon the petitioners and two other co-accused is
of catching hold the informant, who had come out of the house
and seen the occurrence.



It is submitted by the learned counsel for the petitioners that they are innocent and there is no allegation of killing the deceased-brother of the informant by the petitioners and that petitioner no.1 is an old person aged about 75 years. He submits that no overt act has been committed by them and at best, they were members of unlawful assembly. He submits that there is land dispute between the parties and as such, petitioners have been falsely implicated.

However, learned counsel for the informant and the learned A.P.P. for the State oppose the prayer for bail stating therein that the petitioners were also present and obstructed the informant from saving the life of his deceased-brother.

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 Sri Gorakh Nath Dubey, learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Amas P.S. Case No. 59 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/



court, who will file an affidavit stating his relationship with the petitioners and that petitioners 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 their bail bonds.

(Nilu Agrawal, J.)

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