

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1908 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -PAKARIBARAW District- NAWADA

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1. Gaurav Yadav
 2. Arjun Yadav, both sons of Late Baiju Yadav @ Baijal Yadav, resident of village Bishunpur, P.S. Pakribrawan, District Nawada

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order dated 16.5.2017 passed by 1st Additional District & Sessions Judge, Nawada, in B.P. No. 384 of 2017/09 of 2017, arising out of Pakribarawan P.S.case No. 18 of 2017 instituted under Sections 302, 506/34 of the Indian Penal Code, 27 of Arms Act and 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellants.

Allegation as per FIR against the appellants is that prior to the occurrence they have threatened the informant and others and also there is allegation that they have assaulted the deceased.

It has been submitted on behalf of the appellants that prior to lodging of the present case, a case has been lodged against the family members of the informant with respect to murder of son of one co-accused and they are in custody for five months.



Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellants, named above, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional District & Sessions Judge, Nawada, in connection with Pakribarawan P.S.Case No. 18 of 2017, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, they will co-operate in disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail and further they will not induce any witness or tamper with the evidence.

Accordingly, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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