

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26061 of 2017

Arising Out of PS.Case No. -116 Year- 2016 Thana -MAHESHKHUNT District- KHAGARIA

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Yogo Yadav @ Yogo @ Yogendra Yadav @ Jogo Yadav @ Jogendra
Yadav, son of Late Jangli Yadav, resident of Village- Vidyarthi Tola,
Pakrail, Police Station- Mahesh Khunt, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 23.01.2017 in connection with Maheshkhut P.S. Case No. 116 of 2016 for the offences alleged under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated owing to petty land dispute among the family members. The petitioner admittedly had share in the bamboo brought by the informant and there was no ostensible reason or motive for assaulting the informant's brother. The allegation of assault by the petitioner and his three other family members is belied from the post mortem report which discloses only one injury. The allegation of assault by various accused persons is general and omnibus in nature and no specific assault has been attributed to the petitioner. The petitioner claims clean antecedents.

4. Learned A.P.P. refers to para-7 of the case diary in which statement of witness Jagtaran Devi has supported the prosecution case.

5. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Khagaria, in connection with Maheshkhut P.S. Case No. 116 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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