

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47840 of 2017**

Arising Out of PS.Case No. -108 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD

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1. BADRI YADAV @ BADRI SINGH, Son of Late Ramdeo Yadav,  
Resident of Village- Umar Chak, P.S.- Daudnagar, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Sri Abhay Kumar – 1, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      17-11-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in connection with Daudnagar  
P.S. Case No. 108 of 2017 for offences punishable under Sections  
147, 148, 149, 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that her dewer was assaulted by tempo agent Dharmendra Yadav  
who narrated the incident to his family members. Informant's  
husband Sunil Yadav (deceased) went to the market and her dewer  
informed at home that the informant's husband Sunil Yadav was  
being beaten by the petitioner along with five others and thereafter,  
a mob of 50-60 people also caught hold of her deceased-



husband and took him away and is being beaten brutally by means of lathi, Danda and bricks.

It has been submitted by the learned counsel for the petitioner that he is innocent and general and omnibus allegation has been leveled against him and other co-accused and the said Sunil Yadav had murdered the tempo agent Dharmendra Yadav for which Daudnagar P.S. Case No. 107 of 2017 has been lodged. seeing the murder of Dharmendra Yadav, the mob began to assault the informant's husband. He submits that similarly co-accused Chhedi Yadav and Udal Singh @ Rudal Singh co-accused have been granted privilege of bail by co-ordinate Bench of this Court in Criminal Miscellaneous No. 46698 of 2017 on 21.09.2017 and Criminal Miscellaneous No. 50371 of 2017 on 18.10.2017. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 14.05.2017.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent although, the matter regarding land dispute has been lodged earlier against him.

Considering the facts and circumstances and the materials on record, 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 Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnagar P.S. Case No. 108 of 2017 subject to the condition that:

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

**(Nilu Agrawal, J)**

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