

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45509 of 2017

Arising Out of PS.Case No. -70 Year- 2014 Thana -CHANDRADEEP District- JAMUI

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1. Ramballi Yadav Son of Sahdev Yadav, Resident of Village-Kusumbha
Tola-Baghaiy , P.S.-Sheikhpura, District-Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 25.04.2017 in
connection with Chandradeep P.S. Case No. 70 of 2014 for
offences punishable under Sections 302, 120(B), 34 of the Indian
Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his brother, namely, Pramod Yadav was on his
motorcycle and going towards Sikandra/Nawada, 5-6 miscreants
on Bolero vehicle stopped and encircled his brother and started
indiscriminate firing as a result his brother died on the spot.
Thereafter, the miscreants fled away in the Bolero vehicle in



which one of the accused was also injured and when chased by the police all of them managed to run away but the injured co-accused died. The chaukidar revealed the name of nine persons who were involved in killing of the informant's brother.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and it is only because of rivalry between two groups that the petitioner's name surfaced. He further submits that general and omnibus allegation has been levelled against all the accused persons and that some of the accused persons have been granted the privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 44232 of 2015 and Criminal Miscellaneous No. 52183 of 2015 by order dated 05.01.2016. He further submits that there is no eye-witness to the alleged occurrence and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and is involved in 3 cases, one of similar nature and that during course of investigation the complicity of the petitioner surfaced.

Considering the facts and circumstances and the



materials on record and that other co-accused persons have been granted the privilege of bail, 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 Judicial Magistrate, 1st Class, Jamui, in connection with Chandradeep P.S. Case No. 70 of 2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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