

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35537 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

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1. Rajeev Yadav
2. Matlu Yadav both sons of Chhotey Yadav
3. Chhotey Yadav son of Late Sharan Yadav All residents of Village -
Makduyana, P.S. - Manpur, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Manpur P.S.
Case No. 12/2017 for offences punishable under Sections 302/34
of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his deceased son Jawahir Yadav were going out
to the cow-shed, nine accused persons including the petitioner
came armed with weapons. While Laxmi Yadav was the order
giver, Sunil Yadav fired on him which hit on the head and he
succumbed to the injuries. Thereafter all the accused persons ran
away after firing in the air.



It has been submitted by the learned counsel for the petitioners that they are innocent, petitioner no. 1 is in judicial custody since 04.03.2017, petitioner no. 2 since 21.03.2017 and petitioner no. 3 since 21.02.2017 respectively and the allegation upon the petitioners is general and omnibus as being member of unlawful assembly. He submits that no overt act has been alleged to have been committed by the petitioners, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners and that one of the similarly situated co-accused has been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 31282 of 2017 on 11.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have clean antecedent.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-III, Nalanda at Bihar Sharif, in connection with Manpur P.S. Case No. 12/2017, subject to the condition that both the bailors would be close relative of the



petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioners.

(Nilu Agrawal, J)

Rajesh/-

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