

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2588 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

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1. Budhu @ Budhu Yadav @ Upendra Yadav Son of Babulal Yadav, R/o
Village- Harprasad Bigha, P.S.- Parwalpur, District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Chandra

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2017 The appellant seeks regular bail in connection with Parwalpur P.S. Case No. 55 of 2017, registered for offences punishable under Sections 279, 304(A) of the Indian Penal Code, and Sections 302/34 of the Indian Penal Code and Section 3(2)(V) of SC/ST (POA) Act.

Allegation against the appellant and other accused persons is of assault to the deceased due to which he died.

It has been submitted on behalf of the appellant that only general and omnibus allegation has been levelled against this appellant and no specific allegation has been made. Further though there is allegation of assault by the appellant and four other persons to deceased, however, no injury was found on the person of the deceased in the postmortem report. Appellant has been in



judicial custody for last six months.

Learned Special P.P. as well as learned counsel for the informant opposed the prayer for bail and submitted that earlier also the deceased had filed a case against the relatives of the appellant and only because of that the deceased was done to death.

Having heard both sides, in view of the above facts and also in view of the fact that only general and omnibus allegation has been levelled against the appellant, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif, in connection with Parwalpur P.S. Case No. 55 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate 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 bonds.

(Vinod Kumar Sinha, J)

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