

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43150 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -AMAS District- GAYA

- =====
1. Jitendra Yadav @ Jitendra Kumar Yadav
 2. Sri Ram Yadav Both S/o Deoki Yadav Both R/o Village- Rajpur, P.S.
Amas, District- Gaya (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Amas P.S.
Case No. 59 of 2017, G.R. No. 490 of 2017 for offences
punishable under Sections 147, 323 and 302 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he had woke up early morning for natural call he saw
nine persons including the petitioners taking away his brother
Manoj Yadav (deceased). Allegation upon the petitioners and four
others is of catching hold of the deceased and pressing his neck



resultantly he died.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and are languishing in judicial custody since 13.03.2017. It is submitted that allegations are general and omnibus upon the petitioners along with four others of catching hold the deceased and pressing the neck. It is further submitted that the postmortem report specifies death due to shock and haemorrhage and caused by hard and blunt substance. The postmortem report also specifies abrasion injury but there is no such allegation in the F.I.R. as alleged by the informant. It is further submitted that one of the co-accused on similar allegation has been granted pre arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 40922 of 2017 on 07.09.2017. It is submitted 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.

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 Judicial Magistrate-1st Class, Sherghati (Gaya) in connection with Amas P.S. Case No. 59 of 2017, G.R. No. 490 of 2017, subject to the condition that both bailors would be close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners and that petitioners 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 their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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