

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42796 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -MOKAMAH District- PATNA

- =====
1. Ballam Yadav son of Gore Lal Yadav
2. Lalan Yadav son of Bhonu Yadav Both residents of Village- Bariyahi,
P.O.- Simariya Ghat, P.S.- Barauni (Chakiya), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.48985 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -MOKAMAH District- PATNA

- =====
1. Bijo Yadav @ Bichho Yadav Son of Gore Lal Yadav resident of village
- Baiyahi, P.O. Simariya Ghat, P.S. Barauni (Chakiya), District -
Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.42796 of 2016)

For the Petitioner/s : Mr. Deo Raj Kumar Prasad

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

(In Cr.Misc. No.48985 of 2016)

For the Petitioner/s : Mr. Deo Raj Kumar Prasad

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-03-2017 The petitioners in both the above mentioned cases are apprehending their arrest in connection with Mokama P.S. Case No. 225 of 2015, registered for offences punishable under Sections 302 and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioners that in



this case two F.I.R.s have been registered. First F.I.R was lodged against unknown persons whereas the second F.I.R has been lodged against these petitioners by the wife of the deceased. It has further been submitted that petitioners have been made accused in this case only on the basis of suspicion as they had taken the deceased to somewhere with themselves. Further post-mortem report does not show any internal injury on the person of the deceased and also viscera report does not show any poisonous substance and as a matter of fact deceased died due to chest pain.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that save and except the suspicion there is nothing against the petitioners so as to suggest their involvement in the present case and also they have no criminal antecedent, as such, let the petitioners in both the above mentioned cases, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Barh, Patna, in connection with Mokama P.S. Case No. 225/15, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



This is further subject to the conditions that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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