

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49774 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -HULASGANJ District- JEHANABAD

=====

Gonga Yadav @ Tota Yadav, Son of Vishun Yadav, Resident of Village-
Ghanshyam Bigha, P.S.- Hulasganj, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Krishna Murari Prasad, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Hulasganj P.S. Case No. 4 of 2017 registered under Section
302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that though the petitioner is named in the FIR, there is
no credible evidence in the present case, which would
incriminate the petitioner with the alleged offence. He submitted
that there is general and omnibus allegation against six named
accused persons and 2-3 other to have mercilessly assaulted the



deceased with *lathi* and *danda* etc. However, the post mortem report would indicate that only two ante-mortem injuries were found on the person of the deceased. He further contended that from the FIR itself, it would transpire that the informant is not a witness to the actual occurrence, as he claims to have reached at the place of occurrence on *hulla* after the assault has already taken place. Lastly, he contended that two other co-accused namely, Annu @ Annu Yadav @ Anuj Yadav and Binod Yadav having identical allegation to that of the petitioner have already been granted pre-arrest bail vide orders dated 24.07.2017 and 21.09.2017 passed in Cr. Misc. No.25478 of 2017 and 27487 of 2017 respectively by different Benches of this Court.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he admitted that there are only two injuries on the person of the deceased and two other co-accused having identical allegation have already been granted pre-arrest bail by this Court.

Having regard to the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be



released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Hulasganj P.S. Case No. 4 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

