

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33837 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -JANKINAGAR District- PURNIA

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1. Kallar Yadav, Son of Late Anup Yadav,
2. Pramod Yadav Son of Kallar Yadav, Both R/o Village- Kari Mangal
Tola, P.S.- Janki Nagar, District- Punea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners seek bail in connection with Janki Nagar
P.S. Case No. 33 of 2017 for offences punishable under Sections
341, 323, 324, 325, 302, 307, 379/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while the petitioners' side were constructing one canal in the
land of the informant, on objection the petitioners along with 13
others and 2-3 unknown accused came variously armed with Lathi
and Farsa and started assaulting the informant side on which father
of the informant Harish Chandra Yadav succumbed to the injuries.

It has been submitted by the learned counsel for the
petitioners that there is no allegation against the petitioner no. 1 as



he was only member of the mob. So far as the petitioner no. 2 is concerned, the allegation upon him is of tying the father of the informant by rope along with two other accused persons. There is no allegation of assault against the petitioners. He submits that the petitioner no. 1 is languishing in judicial custody since 24.02.2017 and petitioner no. 2 is languishing in judicial custody since 17.05.2017. The main allegation is upon Binod Yadav who inflicted Bhala blow on the father of the informant who succumbed to the injury. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the father of the informant was killed by the accused persons including the petitioners.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Janki Nagar P.S. Case No. 33 of 2017, subject to the condition that one of the bailors would be a 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 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 his bail bonds.

(Nilu Agrawal, J)

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