

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40265 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -WARSALIGANJ District- NAWADA

- =====
1. Preman Yadav, Son of Late Degan Yadav,
 2. Lalan Yadav Son of Preman Yadav, Both R/o Village- Balawapar, P.S.- Varsiliganj, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 28.06.2017 in connection with Warisaliganj P.S. Case No. 75 of 2017 for offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father was cutting branch of Bargad tree, the petitioners along with five others variously armed with iron road, danda and other weapons came and started assaulting his father. The allegation upon the co-accused Raja Ram is of hitting the informant's father on the head while the petitioner no. 1 Preman Yadav was the order-giver. Thereafter petitioner no. 2 along with



other co-accused started assaulting his father by lathi as a result he became unconscious and during course of treatment he succumbed.

It has been submitted by the learned counsel for the petitioners that they are innocent. The main allegation is upon co-accused Raja Ram and general and omnibus allegation has been levelled against the petitioner no. 2 while petitioner no. 1 was stated to be the order-giver. He submits that in the post mortem report only one injury was found and 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 stating therein that the petitioner no. 2 has got criminal antecedent and one case is pending against him. He submits that petitioner no. 1 was the order-giver and all the other accused persons including the petitioner no. 2 had assaulted the informant's father resultantly he died.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of nine months in custody on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No. 75 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.)

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