

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41123 of 2017

Arising Out of PS.Case No. -123 Year- 2017 Thana -SURYAGARHA District- LAKHISARAI

- =====
1. KRISHNANDAN YADAV, Son of Natho Yadav,
 2. Mukesh Yadav Son of Late Kaleshwar Yadav,
- Both R/o Village- Nista, P.S.- Suryagarha, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bharat Lal
For the Opposite Party/s	:	Smt. Renuka Ratnakar
For the informant	:	Mr. Pramod Mishra Mr. Lalmani Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioners are languishing in judicial custody since
08.06.2017 in connection with Surajgarha P.S. Case No. 123/2017
for offences punishable under Section 302 and other allied
Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was sitting along with others at his door step, the
petitioners along with nine others variously armed with weapons
came to the door and started abusing. Allegation upon Lalan
Kumar is of firing on one Salo Devi, who was seriously injured



and thereafter died. Allegation upon the petitioners and one other is that they resorted to indiscriminate firing and while running away one Dular Chand Kumar, the brother of the informant fell down, fractured his leg and had serious head injury.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that there was a dispute between the parties for which Surajgarha P.S. Case No. 124/2017 was lodged against the informant's side by the petitioners, there was no gun shot injury on the said Dular Chand Kumar as he fell down and got serious injury. He further submits that the injury report also does not specify any gun shot injury, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioners had stated in paragraph 3 of this application that they have clean antecedent but subsequently petitioners have filed supplementary affidavit stating therein that petitioner no. 1 is accused in four cases and in three cases he has been acquitted and petitioner no. 2 is an accused in three cases in which he is on bail and are still



pending. He submits that this fact has been concealed by the petitioners, as such, they have not come before this Court with clean hands. He further submits that the petitioners had fired on the said Dular Chand Kumar although it did not hit him but while running away he fell down and got seriously injured and the injury report specifies the injury to be grievous in nature.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of six 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, Lakhisarai, in connection with Surajgarha P.S. Case No. 123/2017, subject to the following conditions :

- (i) Both the bailors would be close relatives of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) 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)

Rajesh/-

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