

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43171 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -ARWAL District- JEHANABAD

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1. Manoj Kumar @ Manoj Yadav Son of Kinnu Yadav, Resident of Village-Khairabigha, P.S.-Arwal, Dist.-Arwal

2. Subodh Yadav Son of Byas Muni Yadav, Resident of Village-Rojapar, P.S.-Arwal, Dist.-Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are languishing in judicial custody since 30.06.2017 in connection with Arwal P.S. Case No. 124/2017 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he was called by petitioner no. 1 and when he reached the place some miscreants took him in the car near the river and had beaten him. Thereafter they brought him to the office of Jan Adhikar Party and also assaulted there. Allegation upon the



petitioners is of assaulting the informant near the river and also in the office room.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case because of being on inimical terms with the informant. He submits that just because they have a criminal antecedent they have been made accused in the present case out of political rivalry. He further submits that the injury report specifies injuries to be simple in nature, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners have beaten the informant and also not returned Rs. 1 lac taken by them earlier.

Considering the facts and circumstances and the materials on record, since the injury has been found to be simple in nature, let petitioners, above named, be enlarged on bail 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, Arwal, in connection with Arwal P.S. Case No. 124/2017, subject to the following conditions :

- (i) Both the bailors would be a close relative 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.
- (iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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