

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53043 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -MAIRWA District- SIWAN

1. Rahul Yadav,

2. Rohit Yadav,

Both are sons of Late Raj Kishore Yadav, Resident of Village- Loper, P.S.-
Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Smt. Suman Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-11-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Bail application of the petitioners was earlier rejected
in Cr. Misc. no. 27843 of 2017 on 27.07.2017.

Petitioners are languishing in judicial custody since
18.01.2017 in connection with Mairwa P.S. Case No. 132/2015 for
offences punishable under Sections 328, 302 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his son was called by one Rajesh @ Rajesh Kumar Yadav and
thereafter some persons spread intoxicant on his son, who became
unconscious and when he regained his consciousness he disclosed
that some unknown persons had spread intoxicant on his face as
also on the face of said Rajesh and later on during treatment he



died. However, the said Rajesh recovered and he lodged Mairwa P.S. Case No. 133/15, who has named the petitioners along with four others and it is only on the basis of the statement of said Rajesh that the petitioners' name surfaced.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the First Information Report and have been falsely implicated in the aforesaid case. He submits that general and omnibus allegations have been levelled against them along with four other persons and it is not ascertainable as to who sprayed intoxicant on the informant's son. He further submits that 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 been named by another victim Rajesh Kumar Yadav.

Considering the facts and circumstances and the materials on record, 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 Addl. Chief Judicial Magistrate-VII, Siwan, in connection with Mairwa P.S. Case No. 132/15, 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 his 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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