

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26186 of 2017

Arising Out of PS.Case No. -402 Year- 2012 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Janak Yadav, son of Nand Lal Yadav, R/o Village Mudial Sonwa, P.S.
Ram Nagar, Distt.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 04.12.2012 in
connection with S.T. No. 285 of 2014 arising out of Ramnagar
P.S. Case No. 402 of 2012 for offences punishable under Sections
147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with co-accused Rameshwar Chaudhary
and Karan Chaudhary assaulted the deceased Alagu Chaudhary
and all the accused persons carried the deceased in the house of
Rameshwar Chaudhary and further assaulted him and later on



during course of treatment, he died.

It has been submitted by the learned counsel for the petitioner that he is innocent, and occurrence took place for cutting four Shisham tree and both sides have received injuries for which a counter case bearing Ramnagar P.S. Case No. 403 of 2012 was instituted against the informant side. Injured persons were treated in the same primary health center, Ramnagar. He submits that it is alleged that the petitioner and other accused persons carried fire arms but as per postmortem report injuries, found on the deceased are caused by hard and blunt substance. He further submits that two accused persons on similar allegations, namely Karan Choudhary and Rameshwar Choudhary have since been granted privilege of bail in Cri. Misc. No. 20282 of 2013 on 06.01.2014 and Cri. Misc. No. 7684 of 2016 on 3.05.2016 respectively. He submits that all the prosecution witnesses have been examined as per report received from the Superintendent of Police, Bagha, but three injured prosecution witnesses named by the Additional Public Prosecutor are to be examined, although they are not charge-sheet witnesses. He submits that he has completed nearly 5 years in custody hence, sympathetic consideration be given.

However, learned APP for the State opposes the prayer



for bail stating therein that as many as on three occasions his bail has been rejected by a co-ordinate Bench of this Court as the allegations are serious in nature.

Considering the facts and circumstances and the materials on record, and that on similar allegations two other co-accused have been granted privilege of bail, let petitioner, above named, be also enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned IInd Addl. District and Sessions Judge, Bagaha, West Champaran in connection with Sessions Trial No. 285 of 2014 arising of Ramnagar P.S. Case No. 402 of 2012, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner 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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