

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15553 of 2017

Arising Out of PS.Case No. -505 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Rama Yadav Son of Late Gudari Yadav, Resident of Village-Birwan,
Police Station-Majhauilya, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
05.12.2016 in connection with Majhauilya P.S. Case No. 505/2015
registered for the offences punishable under Section 302 and other
allied Sections of the Indian Penal Code.

Allegation is that petitioner and one Balister Yadav
assaulted the deceased with *bhala* on his head, on which he
became seriously injured and fell down. Thereafter all the accused
persons assaulted him by means of *lathi* and *danda*, as a result
whereof he died at the spot.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated in the



aforesaid case due to previous enmity and land dispute between the parties, on account of which several litigations are pending between them prior to the date of occurrence. It is submitted that the allegation of hitting the head of the deceased by means of *bhala* is against the petitioner and one Balister Yadav, but the post mortem report, Annexure-2 specifies only one injury, although there are some minor injuries on different parts of the body of the deceased. However, as per post mortem report the doctor has opined that the immediate cause of death was cardiac arrest. It is further submitted that another co-accused Balister Yadav has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 10183 of 2016 on 03.03.2016 on similar allegations. It has further been submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at



Bettiah, in connection with Majhauriya P.S. Case No. 505/2015, subject to the condition that the petitioner will appear before the learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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