

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25163 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -SONO District- JAMUI

- =====
1. Sudama Yadav @ Sudama Singh, son of Khiru Yadav,
 2. Rakesh Yadav @ Rajesh Yadav, son of Darshan Yadav. Both resident of Village- Dudhaniya, P.S.- Sono Charkapathar, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 16.11.2016 in connection with Sessions Trial No. 56 of 2017, arising out of Sono Charkapathar P.S. Case No. 146 of 2016 registered for the offence punishable under Sections 147, 148, 149, 307, 302, 121(A), 452 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 16, 17, 18, 19, 20, 21 and 22 of Unlawful Activities (Prevention) Act, 1967.

The prosecution case, as lodged by the informant, is that his son, Heman Yadav was taken out on the road by as many as 21 accused persons, including petitioners and co-accused Birendra Yadav on the order of Sanjay Yadav, killed the



informant's son Heman Yadav.

It is submitted by the learned counsel for the petitioners that although as many as 21 persons and four others have been named in the First Information Report, but no specific allegation has been levelled against these petitioners. He submits that on account of land dispute between the parties, which is evident from the First Information Report itself, petitioners have been made accused. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and the allegations are general and omnibus.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the petitioners along with other co-accused armed with various weapons had come in police uniform and have collectively killed the informant's son, Heman Yadav. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jamui in connection with Sessions Trial No. 56 of 2017, arising out of Sono



Charkapathar P.S. Case No. 146 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioners, who would file an affidavit stating his relation with the petitioners and that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court and that petitioners would appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J.)

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