

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1982 of 2017**

Arising Out of PS.Case No. -152 Year- 2015 Thana -DHARHARA District- MUNGER

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1. Adhik Yadav, Son of Jagdish Yadav,  
2. Fulchand Yadav, Son of Jagdish Yadav, Both are Resident of Village-  
Pachrukhi, P.S.- Dharahara, District- Munger.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Suman Kumar Mishra

For the Respondent/s : Mr. Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      13-10-2017

Heard the parties.

The appellants seek regular bail in a case registered for the offences punishable under Sections 147, 148,149 of the Indian Penal Code and Section 3 ( x) (ii)(v) of SC/ST Act.

Allegation against the appellants, as per FIR, is that the husband of the informant and his friend was coming with wine and appellant no.1 and other co accused snatched the wine from them and thereafter on the next day he went to them to realize the money but thereafter he has not returned and later on his dead body was found. So far appellant no.2 is concerned, he is not named in the FIR but appellant no.1 and others are named in the FIR. It appears that this a case of double murder of the husband of the informant as well as his friend.



Submission of the learned counsel for the appellants is that so far appellant no.2 is concerned, he is not named in the FIR. His name has transpired on the confessional statement of co-accused. So far appellant no.1 is concerned, similarly situated other co-accused has been released on bail vide Annexure 2.

Heard learned Special P.P. also.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed and impugned order dated 09.06.2017 passed by Special Judge (SC/ST) cum- A.D.J. 1<sup>st</sup> Munger is set aside.

Let the appellants above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST) cum- A.D.J. 1<sup>st</sup>, Munger in connection with Dharahra P.S.Case no. 152/2015, subject to the following conditions:

(i) One of the bailors of the appellants shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellants will not induce any witness or tamper with the evidence.

(iii) The appellants shall co-operate in the disposal



of the trial and make themselves available as and when required by the court concerned and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

**(Vinod Kumar Sinha, J)**

singh/-

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