

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 62172 of 2017

Arising Out of PS.Case No. -146 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Kameshwar Yadav Son of Late Raghu Yadav
2. Raju Yadav Son of Kameshwar Yadav Both Residents of village-
Kathautiya, Kewal, P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

WITH

Criminal Miscellaneous No 1749 of 2018

Arising Out of PS.Case No. -146 Year- 2017 Thana -SIRDALA District- NAWADA

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Baleshwar Yadav, son of Kameshwar Yadav, resident of Village-
Kathautiya Kewal, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Vikramdeo Singh,
Mr Ajay Kumar Sinha, Advocates
For the Informant : Mr Bhaskar Shankar, Advocate
For the State : Mr Umesh Lal Verma, App

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 17-02-2018

Heard counsel for the petitioners and the State.

Petitioners seek bail in a case registered under
Sections 302/34, 120B, 506 of Indian Penal Code and Section 27
of Arms Act.

It is submitted by the petitioners' counsel that due to
some subsisting land dispute, the petitioners have been falsely



implicated in this case and there is no specific allegation as to who assaulted the deceased with the weapon.

Learned counsel appearing on behalf of the informant submits that paragraphs 65 and 66 of the case diary would reveal that the petitioners are said to be present at the place where one Birendra Yadav is said to have fired upon the deceased leading to his death. Since the allegation, at best for the present, is made out that the petitioners were standing there, this Court is inclined to consider the prayer for bail favourably.

As the direct allegation now, in view of the investigation, is confined to the said Birendra Yadav and the petitioner, prior to the instant case, has no criminal antecedent and is in custody since 03.09.2017 and 12.09.2017, prayer for bail is allowed. Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Nawada in Sirdalla Police Station Case No 146 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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