

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9495 of 2018

Arising Out of PS.Case No. -125 Year- 2017 Thana -JHAJHA District- JAMUI

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Nageshwar Yadav S/o Shobhan Yadav, R/o Vill.- Tatwadih, P.S.- Jhajha,
District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 03.11.2017
passed in Cr. Misc. No. 41686 of 2017.

Petitioner is languishing in judicial custody since
15.07.2017 in connection with Sessions Trial No. 370 of 2017
arising out of Jhajha P.S. Case No. 125 of 2017 for offences
punishable under Sections 147, 149, 323 and 302 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that eight persons including the petitioner entered the house and
started assaulting his son Surendra Yadav by fists, slaps and legs



on which his son got seriously injured and succumbed during course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, both parties are agnates and there was a land dispute between them. He further submits that the allegations are general and omnibus against all eight persons including the petitioner and specific injury is not attributable to the petitioner. He submits that the petitioner is an old man of 60 years, charges have been framed and the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be 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 Additional Sessions Judge 2nd, Jamui in connection with Sessions Trial No. 370 of 2017 arising out of Jhajha P.S. Case No. 125 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having



sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) 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)

Devendra/-

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