

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28135 of 2018

Arising Out of PS.Case No. -33 Year- 2017 Thana -JANKINAGAR District- PURNIA

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1. Nathan Yadav son of Late Bhutae Yadav.
2. Kamleshwari Yadav, son of Late Gudar Yadav.
3. Kailash Yadav, son of Nathan Yadav. All Residents of Village- Kari Mandal Tola, P.S.- Janki Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Learned Counsel for the petitioners is permitted to make necessary correction in para 8 of this application.

Heard learned counsel for the petitioners and the learned APP for State.

The petitioners are languishing in judicial custody since 06.02.2018 in connection with Janakinagar PS Case No. 33 of 2017 for offences punishable under Sections 341, 323, 324, 325, 302, 307, 379/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while the petitioners side were constructing canal on the land of the informant, which was objected by the father of the informant namely Harish Chandra Yadav. The petitioners side came variously armed with Lathi, Farsa, being 14 of them including the



petitioner and 2-3 unnamed, who assaulted his father who succumbed to the injuries. The main allegation is upon co-accused Vinod Yadav to have given Bhala blow on the informant's father. Allegation against petitioner numbers 1 and 2 is that they tied the deceased with rope and the allegation upon petitioner number 3 is of hitting the informant on his head by means of Farsa.

It has been submitted by the learned counsel for the petitioners that they are innocent and they have no criminal history. They have falsely been implicated in the present case. It is submitted that charge sheet has already been submitted and petitioners are languishing in judicial custody since more than three month . He further submits that some of the co-accused on more serious allegations, have been granted the privilege of bail by this Court in Cr.Misc No.33837 of 2017 vide order dated 29.08.2017.

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

Considering the facts and circumstances and material available on record, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousands) each, with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Purnea in



connection with Janakinagar PS Case No. 33 of 2017, subject to the following conditions:

1. One of the bailers would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
2. Petitioners will appear before the learned Court below during trial as and when in required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
3. If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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