

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55939 of 2018

Arising Out of PS.Case No. -33 Year- 2018 Thana -BIHARIGANJ District- MADHEPURA

=====

1. Bhim Yadav, S/o Late Ram Kishore Yadav,
2. Anand Kumar S/o Bhim Narayan Yadav,
Both R/o Vill.- Kushtan, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Bihariganj P.S. Case No.33 of 2018 registered for the offences punishable under Sections 323, 341, 307, 120(B), 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and subsequently Section 302 of the I.P.C. was added when the victim, father of the informant, succumbed to his injury in hospital.

It is alleged that on account of some dispute regarding construction of permanent drain, some altercation took place between informant and accused persons. Thereafter, they came to the residence of informant in the night at about 1:30



A.M. and accused Bhushan Yadav ordered Abhay Kumar Yadav to kill the father of informant upon which Abhay Kumar Yadav fired upon the father of informant who was taken to the hospital where he died subsequently. Fourteen persons have been named in the F.I.R. including the petitioners but there is no allegation of overt act against these petitioners. The other co-accused Pawan Yadav and Dayanand Yadav have been allowed bail in Cr.Misc.No.39793 of 2018 and Shambhu Yadav has been allowed anticipatory bail in Cr.Misc.No.46817 of 2018 by different benches of this court. The case of these petitioners stands on similar footing. The petitioners are in custody since 18.07.2018 having clean antecedent and so they deserve bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No.33 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

