

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57389 of 2017

Arising Out of PS.Case No. -133 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Brij Kishor Yadav, Son of Raj Kishore Yadav, Resident of Village-
Loapar, Police Station- Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 06-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 328/307/34 of the Indian Penal
Code.

There is general and omnibus allegation against
six named accused persons including the petitioner that they
sprayed some intoxicating things at the face of the informant and
co-accused Anup Yadav. Further allegation is that the accused
persons took LTI of the informant on some paper. Subsequently,
Anup Yadav died.

Submission of the learned counsel for the
petitioner is that the allegation is general and omnibus. The



informant is a literate person. Hence, his LTI would not serve any purpose for wrongful gain. It is highly unbelievable that in the situation of unconsciousness he would note that someone is taking his LTI. Moreover, for death of Anup Yadav a separate case vide Mairwa P.S. Case No.132 of 2015 was lodged and FIR of that case would reveal that Anup Yadav has not named anyone though he is also a family member of the informant.

Considering the general and vague nature of allegation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mairwa P.S. Case No.133 of 2015, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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