

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1163 of 2018

Arising Out of PS.Case No. -173 Year- 2009 Thana -PHULWARIA District- GOPALGANJ

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Chandan Yadav S/o Gorakh Yadav R/o-Village-Bhawahi, P.S.-Bhore, Dist.
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Phulwaria P.S. Case No. 173 of 2009 registered under Sections
328, 302/34 of the Indian Penal Code.

As per prosecution case, land dispute is pending
between the informant and Krishna Yadav and Brijlal Yadav
since before. Brother-in-law of the Krishna Yadav namely,
Chandan Yadav took nephew of the informant to the house of
Krishna Yadav. All the three accused persons took liquor there
and in the course of taking liquor they administered poison to the
nephew of the informant resulting into his death.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case as he happens to be brother-in-law of the Krishna Yadav. As several cases are pending between the informant and Krishna Yadav and both are on inimical terms, so it is quite improbable that in case of such prevailing animosity between the parties, the nephew of the informant will go to the house of Krishna Yadav. Allegation levelled against the petitioner is not specific rather omnibus. There is no eye witness of the occurrence. The petitioner has been languishing in custody since 3.11.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Gopalganj in connection with Phulwaria P.S. Case no. 173 of 2009.

(Prakash Chandra Jaiswal, J)

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