

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31444 of 2018

Arising Out of PS.Case No. -208 Year- 2017 Thana -PARASBIGHA District- JEHANABAD

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1. Hulash Yadav S/o Sona Yadav, R/o Vill.- Mirganj, P.S.- Shakurabad,
Distt.- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the State : Mr. S.M. Rahman, A.P.P.

For the Informant : Mr. Nitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 20-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State as well as learned counsel for the informant.

Petitioner seeks bail in Sessions Trial No.126 of 2018
arising out of Parasbigha P.S.Case No.208 of 2017 registered for
the offences under Sections 147, 148, 149, 341, 342, 448, 458,
323, 325, 504, 506, 307, 302 of the Indian Penal Code and Section
27 of the Arms Act.

The informant in his fard beyan has stated that there was
land dispute with Lali Yadav. On 11.12.2017 in the night about
50-60 persons variously armed surrounded their house when they
were sleeping. It has further been stated by the informant that co-
accused persons entered into the house of informant and assaulted



his brother Raju Kumar, Lalit Kumar, Bhushan Kumar, Suriath Kumar, Virendra Kumar and pull them out of house and brutally assaulted them and when villagers came they fled away. Two of his brothers succumbed to their injuries.

It has been submitted on behalf of the petitioner that he is named in the F.I.R. by the informant but there is no allegation of any overt act committed by him. There is no allegation of entering into the house or dragging out the victims or resorting to any firing against them. He is not resident of said village and he has been made accused only because he is father-in-law of co-accused, Manish Kumar. It is further submitted that he has no criminal antecedent and he is in custody since 11.02.2018. It has further been submitted that one of the similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 19.04.2018 passed in Cr.Misc. No.22190 of 2018 as contained in Annexure-2.

Counsel for the informant vehemently opposed the prayer for bail of the petitioner and he also produced order dated 23.07.2018 passed in Cr.Misc.No.33705 of 2018 in which bail petition of Lali Yadav had been rejected order dated 09.07.2018 passed in Cr.Misc.No.27085 of 2018 and Cr.Misc. No.31466 of



2018 in which bail petition of Sita Yadav and Gohman Yadav were rejected by coordinate Bench of this Court.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- with two sureties of the like amount each to the satisfaction of the Fast Track Court No.1, Jehanabad, in Sessions Trial No.126 of 2018 arising out of Parasbigha P.S.Case No.208 of 2017 subject to the conditions that:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(S. Kumar, J)

AnilKrSinha/-

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