

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53687 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- JADOPUR District- Gopalganj

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1. BIBHUTI YADAV @ BHABHUTI YADAV, S/o Late Ganga Yadav, resident of Village- Sapahiya, P.O. and P.S.- Bishambharpur, District- Gopalganj.
 2. Shree Bhagwan Yadav, S/o Late Bishwanath Yadav, resident of Village- Rampur Tengrahi, P.O. and P.S.- Yadavpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
	:	Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Sri Braj Kishore Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 19-12-2018

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

Petitioners, who are in custody, seeks bail in connection with Yadavpur P.S. Case No. 48 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324 and 307 of the Indian Penal Code.

Informant has alleged that while he was returning back to his home all the accused persons stopped him and assaulted with lathi, danda, in the meanwhile Kanhaiya Yadav opened fire from the country made pistol and shot in his legs and later on during treatment the informant succumbed to the injuries.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They



have been falsely implicated in this case. The allegation of firing is against one other co-accused namely Kanhaiya Yadav. There is no specific allegation against the petitioners and the allegations are general and omnibus in nature. Petitioner no.1 is in custody since 20.06.2018 and petitioner no.2 is in custody since 04.07.2018. Petitioners have no criminal antecedent and similarly placed accused has been granted Bail by a co-ordinate bench of this Court as contained in Annexure-6.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Yadavpur P.S. Case No. 48 of 2017, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the petitioners 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 petitioners.

(S. Kumar, J)

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