

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65898 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- GHOGHARDIHA District- Madhubani

1. Kapleshwar Yadav, S/o Late Achchhelal Yadav,
2. Manejar Yadav, S/o Late Yodani Yadav, Both 1 & 2 are resident of Village- Shatrupatti, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2018 Heard the parties.

The petitioners seek regular bail in connection with Ghoghardiha P.S.Case No.34 of 2018 corresponding to G.R.No.411 of 2018 registered for offences punishable under Sections 147, 148, 149, 302, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and other accused persons is that they came to the house of the petitioner while he was sleeping with his cousin brother and on the order of Yasho Lal Yadav co -accused Sukdeo Yadav fired on his cousin brother and one Ramesh Yadav also fired. It is stated that the petitioner and other accused persons surrounded him.



Submission of the learned counsel for the petitioner is that FIR itself discloses that the petitioner is not assailant rather it is the other co-accused persons who are assailant. The postmortem report also disclosed the death is due to fire arm injury and moreover earlier a case had been lodged by Yasho Lal Yadav against the informant and others with respect to kidnapping of his daughter and in that case the petitioners were witnesses and the petitioners are in custody since 25.6.2018. The charge sheet has already been submitted.

Heard learned A.P.P. and the learned counsel for the informant . They have opposed the prayer for bail on the ground that though there is allegation against the petitioner and other accused persons of firing but the allegation is not specific and further submitted that the main assailants are still absconding.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Jhanjharpur, District Madhubani in connection with



Ghoghardiha P.S.Case NO.34 of 2018.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application
is allowed.

(Vinod Kumar Sinha, J)

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