

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20588 of 2018

Arising Out of PS.Case No. -65 Year- 2018 Thana -BRAHMPUR District- BUXAR

- =====
1. Gorakh Yadav Son of Chand Govind Yadav,
 2. Subhash Yadav Son of Gorakh Yadav, Both Resident of Village-Chakki, P.S. Brahampur (Chakki O.P.), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 13-07-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody in connection with
Brahampur (Chakki O.P.) P.S. Case No.65 of 2018, a case under
Section 302/34 of the Indian Penal Code.

According to FIR, about ten persons allegedly
assaulting Mahendra Pandey, the brother of the informant, at about
10:00 PM, when Mahendra Pandey was returning after watching a
Programme. The informant, who is brother of Mahendra Pandey,
claims to have witnessed the occurrence from a distance of 25
yards and identified the petitioner and two others among the
assailants.

Learned counsel for the petitioners submits that, in



fact, the informant is not an eyewitness of the occurrence nor it is possible to see anything in night from a distance of 25 yards without any source of light. For land dispute false allegation has been lodged. Contention is that some independent witnesses have stated before the police that the victim died in road accident and the doctor has found blunt force impact as cause of injury and death.

On the other hand, learned counsel for the informant opposed the prayer on the ground besides the informant some other witnesses have stated before the police that they have seen the occurrence, whereas some other saw the appellants fleeing soon after the occurrence. Hence, at the stage of consideration of prayer for bail their statement cannot be disbelieved.

Considering the fact that the petitioners are in custody since 23.02.2018, investigation of the case is already complete and evidence on the record are doubtful, at least for the purpose of consideration of pre-trial bail, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Brahampur (Chakki O.P.) Police Station Case No. 65 of 2018, with condition that the petitioners



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 petitioners.

(Birendra Kumar, J)

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