

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55121 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -LAXMIPUR District- JAMUI

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Brahamdeo Yadav, Son of Nanaku Yadav, Resident of Village- Sasarpur,
P.S.- Gidhaur, District- Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Prasad, Prasad.

For the Opposite Party : Mr. R.P. Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 29-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, who is in custody since 03.07.2016, has renewed his prayer for bail in connection with Laxmipur (Gidhour) P.S. Case No. 47 of 2016 for the offence alleged under Sections 302, 201 and 34 of the Indian Penal Code having earlier been rejected by this Court by order dated 24.10.2016 in Cr. Misc. No. 41559 of 2016.

3. Learned counsel for the petitioner submits that in a subsequent development, co-accused Mintu Yadav @ Mintu Kumar Yadav (brother of the deceased) and Upendra Yadav (brother-in-law of the deceased) have been granted anticipatory bail by this Court in Cr. Misc. No. 46307 of 2017 and Cr. Misc. No. 26655 of 2017 respectively. It is submitted that the accusations are general and omnibus in nature and the petitioner who is the father of the deceased, has been falsely implicated along with the other members of his family by the wife of the deceased.



4. Copy of the case diary has been received pursuant to the order of this Court dated 25.07.2018.

5. Learned APP refers to paragraph nos. 8, 9, 15, 21 and 22 of the case diary in which various witnesses have made statements which indicate that the deceased being mentally ill had been hitting and throwing bricks bat and hence his hand and foot were tied and kept in a room to restrain him. It has further been stated by the witnesses that false allegations have been made against the accused persons with a view to solemnizing marriage of the widow of the deceased with his younger brother.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Amrendra Kumar, learned Judicial Magistrate 1st Class, Jamui, in connection with Laxmipur (Gidhour) P.S. Case No. 47 of 2016, on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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