

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66477 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- NAWADA District- Nawada

1. UPENDAR YADAV,
2. Jai Ram Yadav, Both sons of Late Pameshwar Yadav, Both
resident of Village- Pakaribarawan, P.S.- Pakaribarawan,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mr. Sri Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 03-12-2018 Heard learned counsel for the parties.

Petitioners seek bail in **Nawada P.S. Case No. 15 of 2018** registered for the offence punishable under Sections 364/34 of the Indian Penal Code in which subsequently Sections 302, 201 and 120B of the IPC were added.

Informant in his written complaint has alleged that on 11.01.2018 at about 4:30 pm his Brother-in-Law Krishna Yadav was going to his Sasural and had come to attend the court and in his way near Nehaluchak More FIR named accused including petitioner stopped the Bus and dragged him out and forcibly took him on BOLERO vehicle and with such allegations made FIR was registered under Section 364/34 of IPC at about 10:00 pm. Subsequently, the dead body was found and section 302



was added.

It has been submitted on behalf of petitioners that they have been falsely implicated in this case due to previous enmity and have been made accused in this case only on suspicion and Informant has not disclosed his source of information as to how he came to know about the incident and presence of petitioner. In his re-statement he has stated that he was also accompanying the deceased. During investigation the police has recorded the statement of driver and co-driver which does not support the prosecution case. It has been further submitted that there is land dispute between the parties and as such they have been implicated in this case.

Petitioners have got no criminal antecedent and petitioner no. 1 is in custody since 08.05.2018 and petitioner no. 2 is in custody since 02.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **1st Additional Sessions Judge, Nawada**, in connection with **Nawada P.S. Case No. 15 of 2018**, with following 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 reason, 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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