

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8041 of 2018

Arising Out of PS.Case No. -536 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Sushil Yadav @ Soshil Yadav, S/o Late Shiv Das Yadav,
2. Jwala Kumar, S/o Sushil Yadav,
Both resident of Village- Karariya- Dariyapur, P.O.- Pitwas, Police Station-
Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been in custody since 29.07.2017 in connection with Naubatpur P.S. Case No. 536 of 2015 for the offence registered under Sections 147, 148, 149, 324 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the allegation against the petitioners is that both the petitioners participated in the alleged killing of the father of the informant. However, from the narration of the first information report, it is evident that the informant is not an eye witness to the case and there was history of litigation between the parties.



Learned counsel for the petitioner submits that the deceased was himself of criminal nature and had several enemies around the village as he was in the habit of capturing land. He was himself a veteran criminal and no one dared to speak against him.

It appears that earlier the case diary was called for and on perusal of the case diary, learned counsel for the State submits that antecedent of the deceased has been discussed in several paragraphs of the case diary. However, admittedly, there is no eye witness to the occurrence and these petitioners were having litigation as another case had been filed by the petitioners against the deceased earlier. There was also a counter case filed by the deceased against these petitioners.

Having considered the entire facts and circumstances of the case and also the fact these petitioners have already been in custody for seven months, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Danapur (Patna) in connection with Naubatpur P.S. Case No. 536 of 2015, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother,



sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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