

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30255 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -WAJIRGANJ District- GAYA

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1. Rekha Devi, Wife of Karu Yadav,
2. Karu Yadav, Son of Pradeep Yadav,
3. Pradeep Yadav, Son of Late Gongu Yadav,
4. Naresh Yadav, Son of Late Ramatar Yadav, all resident of Village-Hasra, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 03-07-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Wazirganj P.S. Case No.108 of 2017 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioners, as per F.I.R., is of setting fire in khagra kept out side the house of informant and after entering into the house, they along with others assaulted the informant and killed Sumitra Devi. It is alleged that the petitioners extended threat also to kill the other members of the family.

It has been submitted that the allegation of assault is



omnibus against 10 F.I.R. named accused. None of the family members of the informant have seen the occurrence and merely on suspicion the petitioners have been made accused in this case. It has been submitted that the version of informant that his grandfather Nanhak Yadav has seen the petitioners taking away the dead body of the deceased is falsified as the grandfather of the informant himself stated that he saw the dead body lying in front of the house. The other co-accused with similar allegation has been allowed bail in Cr.Misc.No.44324 of 2017 by one of the coordinate Bench of this court.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of the learned A.C.J.M. I, Gaya in connection with Wazirganj P.S. Case No.108 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.



- (iii) If the petitioners are found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

(Sanjay Kumar, J)

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