

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15656 of 2018

Arising Out of PS. Case No.-44 Year-2017 Thana- AKBARNAGAR District- Bhagalpur

1. Fulo Yadav @ Fulo Kumar,
2. Gulo Yadav @ Gulshan Kumar @ Gulshan Yadav, Both Sons of Pramod Yadav @ Pramod Mahto, Resident of Village- Srirampur, P.S.- Akbarnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 11-05-2018 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners, already in custody, seek bail in connection with Akbarnagar PS Case No.44 of 2017, giving rise to Sessions Trial No.08 of 2018, registered under Sections 302 and 34 of the Indian Penal Code.

Allegation in brief is that in the midnight the informant identified the accused persons in flash of torch light and witnessed that the accused persons assaulted his father with sharp edged weapon but the informant escaped away from that place and returned back and found his father dead.

Learned counsel for the petitioners submits that the informant is not the eye-witness and refers paragraphs 19 and 20



of the case diary, which disclose that wife and daughter of the deceased both made statement that in the morning one Tuntun went to the place of occurrence and found her husband dead and then informed to them though as per the informant's version he had witnessed the occurrence of the midnight and also found his father dead but no such information was given and this indicates the false implication of the accused persons for land dispute which is alleged to be the cause of occurrence by the informant. Moreover both the petitioners bear no criminal antecedent.

Having considered the aforesaid facts and circumstances, petitioners, namely, Fulo Yadav @ Fulo Kumar and Gulo Yadav @ Gulshan Kumar @ Gulshan Yadav are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional District & Sessions Judge, Bhagalpur in connection with Akbarnagar PS Case No.77 of 2017, giving rise to Sessions Trial No.08 of 2018.

(Arun Kumar, J)

S.KUMAR/-

U		T	
---	--	---	--

