

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5497 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- BASANHI District- Saharsa

1. Mulayam Yadav @ Mulen Yadav age about 33 years Male Chandeshwari Yadav resident of village Nasi Tola, Ward No. 1, Mangwar, PS Basnahi, Saharsa
2. Hira Yadav age about 30 year Male Son of Chandeshwari Yadav resident of village Nasi Tola, Ward No. 1, Mangwar, PS Basnahi, Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-03-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Basnahi P.S. Case No. 79 of 2018** registered for the offence punishable under Sections 147, 148, 149, 307, 302 and 385 of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his written complaint has alleged that while his father was at the flour mill the petitioner alongwith FIR named accused variously armed with firearms, demanded rangadari and when he refused he was assaulted and accused persons started firing out of which 2 bullet hit his father on account of which he died.

It has been submitted on behalf of the petitioners that



they are innocent and have been falsely implicated in this case due to previous enmity. There is no specific allegation of any overt act against the petitioners. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 07.12.2018 in Criminal Miscellaneous No. 71883 of 2018 and 06.12.2018 in Criminal Miscellaneous No. 72143 of 2018. Petitioners have got no criminal antecedent and are in custody since 28.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 1 be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Basnahi P.S. Case No. 79 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner no.1 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 the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner no.1 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 petitioner no.1.

So far as petitioner no. 2 is concerned, there is direct allegation of firing against him, I am not inclined to enlarge the petitioner no. 2 on bail at this stage. Hence, the prayer for bail of the petitioner no. 2 is hereby rejected.

(S. Kumar, J)

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