

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15046 of 2019

Arising Out of PS. Case No.-360 Year-2018 Thana- KHAGARIA District- Khagaria

1. RAJKUMAR YADAV, aged about 55 years, Male, S/o Late Lakshmi Yadav,
2. Rosan Yadav @ Roushan Yadav, aged about 30 years, Male, S/o Rajkumar Yadav, both are Residents of village-Barikothia, P.S.-Muffasil, District-Khagaria

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ranjeet Kumar Singh

For the Opposite Party : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody in connection with Khagaria (Muffasil) P.S. Case No. 360 of 2018 G.R. No. 1464 of 2018 for the offences alleged under Sections 341, 323, 448, 354A, 387, 504, 506, 379 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he and his wife were in the house, in the evening the petitioners along with another co-accused, Gulshan Yadav, arrived and demanded Rs.50,000/- as ransom and took away Rs.5,000/- cash, watch and gold chain worth Rs.20,000/- and also assaulted the informant and his wife.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case and the petitioners are brother and nephew of the informant. He submits that when good sense prevailed that the allegation is false, a compromise has been entered into between the parties, which has been submitted before the learned Court below and has been taken into consideration in the impugned order passed by the learned Court below while rejecting the bail of the petitioners. It is, further, submitted that the petitioner no. 1 is languishing in judicial custody since 18.12.2018 and petitioner no. 2 is languishing in judicial custody since 04.11.2018 and there was no such occurrence of the kind as alleged. He, further, submits that the cases lodged against the petitioners have been lodged by the informant's side arising out of land dispute.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners do not have a clean antecedent and three more cases are pending against them.

Considering the facts and circumstances and the materials on record as well as the fact that the petitioners and informant's side are close relation, let the petitioners, above named, be released on bail on furnishing bail bonds of



Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Khagaria (Muffasil) P.S. Case No. 360 of 2018 G.R. No. 1464 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, subject to the condition that one of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(Nilu Agrawal, J)

Shamshad/-

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

