

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33819 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- CHAORI District- Bhojpur

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1. Birendra Yadav @ Birendra Singh, Son of Awadhesh Singh, Resident of Village- Purahara Samhar Tola, P.S.- Chauri, District- Bhojpur.
 2. Jitendra Singh @ Jitendra Yadav @ Bhaur, Son of Awadhesh Singh, Resident of Village- Purahara Samhar Tola, P.S.- Chauri, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 25-09-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are in custody since 15.05.2018 in connection with Chauri P.S. Case No.37 of 2018 registered for the offence under Sections 341,302,120(B) of the Indian Penal Code.

The prayer for bail of the petitioners was earlier rejected on the ground that they were having specific allegation against them.

However, learned counsel for the petitioners submits that the present prayer is being made on account of deposition made by the informant Lakhpat Devi who has stated in her



deposition that her husband (deceased) had been hurt when he fell down while trying to flee from the place when the scuffle took place. She has also submitted in her statement which has been marked as Annexure-2-3 to the supplementary affidavit filed by the petitioners that he had hurt himself from the 'Chaukhat' and therefore, in the wake of such deposition by informant herself they may be extended the privilege of bail.

In view of the aforementioned facts and circumstances of the case and change in the entire scenario by virtue of the deposition of the informant, let the petitioners, Birendra Yadav@ Birendra Singh and Jitendra Singh @ Jitendra Yadav @ Bhuar, be released on bail on their furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-11th, Bhojpur, Ara, in connection with Chauri P.S. Case No.37 of 2018, subject to the following conditions:

(1) One of the bailors will be their own blood relative, preferably, father, mother, son, brother, sister and/or their wife.

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

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of



their failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

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

(Anjana Mishra, J)

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