

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34492 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. PAWAN YADAV S/o Late Rajgir Yadav Resident of Village- Warsabad, P.S.- Shambhuganj, District- Banka.
2. Bibhas Yadav S/o Sushil Yadav Resident of Village- Warsabad, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-07-2019 Heard learned counsel for the petitioner, informant and the learned APP for the State.

The petitioners seek bail in Shambhuganj P. S. Case No. 278 of 2018 instituted for the offence under Section(s) 302, 201/34 of the Indian Penal Code.

In the written report, it is alleged that brother of informant had gone along with these petitioners and Dhirendra Yadav. It is further alleged that at 1.30 AM deceased made a call and told the name of these petitioners and stated that they were drinking and dining. It is further alleged that at about 2.20 AM said Dhirendra Yadav informed the informant that they have left the deceased near the house of one Pintu Yadav



but, at the early morning, the dead body of the deceased was recovered from the field of Maheshwari Yadav.

Learned counsel for petitioner submits that there is no eye witness of the occurrence. There is no allegation of specific overt act against this petitioner

The other co-accused of this case has already been granted regular bail by co-ordinate Bench of this Court by order passed in Cr. Misc. no.13877 of 2019

Petitioner is in custody since 15.2.2019 having no criminal antecedent.

Learned counsel for informant has appeared and opposed the prayer for bail. He submits that five witnesses have already been examined in this case.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Dist. and Sessions Judge-IV Banka in connection with Shambhuganj P. S. Case No. 278 of 2018, Sessions Trial no. 84 of 2019 subject to the following conditions:-

(i) Both the bailors shall be the close relative of the petitioners.



(ii) The petitioners shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioners.

(iii) If petitioners tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioners.

(Sanjay Priya, J)

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