

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51498 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- WAJIRGANJ District- Gaya

1. Devendra Yadav @ Devendra Kumar, aged about 49 years, Son of Rameshwar Yadav Resident of Village - Sakardas Nawada, P.S.- Wazirganj, District - Gaya.
2. Binod Yadav, aged about 40 years, Son of Rameshwar Yadav Resident of Village - Sakardas Nawada, P.S.- Wazirganj, District - Gaya.
3. Sujay Yadav @ Sujay Kumar, aged about 39 years, Son of Rameshwar Yadav Resident of Village - Sakardas Nawada, P.S.- Wazirganj, District - Gaya.
4. Shankar Kumar @ Pintoo Yadav, aged about 28 years, Son of Rameshwar Yadav Resident of Village - Sakardas Nawada, P.S.- Wazirganj, District - Gaya.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners, learned counsel for the informant, learned Additional Public Prosecutor for the State and perused the case diary.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 147, 148, 149, 341, 323, 307, 379, 504 and 302 of the Indian Penal Code.

As per prosecution case, the informant alleges that his nephew armed with lathi, danda and khanti and started misbehaving with his family members. It is further alleged that



when the informant's uncle Jogendra Yadav resisted, one Munshi Yadav abused him and assaulted on head by axe, thereafter he got injured and fell down and he referred to hospital and during course of treatment, he died.

It is submitted on behalf of the petitioners that the petitioners have falsely been implicated in this case due to village politics. There is delay of lodging the FIR of two days. Petitioners have got no criminal antecedent. Save and except suspicion, there is nothing incriminating article has been recovered from the possession of the petitioners.

Counsel for the informant vehemently opposed the prayer for bail and submits that all these petitioners participated in the alleged crime.

In the aforesaid facts and circumstances, let the above named petitioners be released on bail in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, 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 CJM, Gaya/successor Court in connection with Wazirganj P.S.Case No.157 of 2019, with following conditions:-



(i) Petitioners shall cooperate 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 thier absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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