

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4679 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

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1. Arjun Yadav, S/o Baleshwar Prasad,
 2. Dilip Yadav S/o Ramaswaroop Yadav, Both R/o Vill.- Khaira, P.S.- Akbarpur, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-01-2019 Heard learned counsel for the appellants and
learned counsel for the State.

Appellants, who are in custody, seek bail in connection with Spl. (H) Case No. 171 of 2018 arising out of Akbarpur P.S. Case No. 238 of 2018 registered for the offence punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act 3(2)(5) SC/ST Act.

Informant has alleged that while he and his family members were irrigating their land, FIR named accused variously armed came and there is specific allegation against Rahul Yadav of firing upon the wife of informant and against Rajendra Yadav of firing upon Lalita Devi and against Ranjay Yadav of firing upon Prabhu Rajbanshi, as a result of which they



died and thereafter allegation is against rest of FIR named accused including both appellants of causing indiscriminate firing.

It has been submitted on behalf of appellants that they have innocent and have been falsely implicated in this case due to land dispute and there is no allegation of any overt act against appellants. Allegations are general and omnibus in nature. Appellants have no criminal antecedent and they are in custody since 05.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail during pendency of the appeal upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st, Nawada, in connection with Spl. (H) Case No. 171 of 2018 arising out of Akbarpur P.S. Case No. 238 of 2018 subject to the conditions that:-

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

(2) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.



(3) If the appellants 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 appellants.

(S. Kumar, J)

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