

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.76983 of 2018**

Arising Out of PS. Case No.-138 Year-2017 Thana- CHANAN District- Lakhisarai

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1. Hathouri Yadav S/o Kapildeo Yadav, Resident of Village- Diyara Pipariya,  
P.S. Pipariya, District- Lakhisarai.  
2. Degan Yadav @ Devendra Yadav, S/o Bhuttu Yadav, Resident of Village-  
Malpur, P.S. Barahiya, District- Lakhisarai. ... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      29-01-2019                      Heard learned counsel for the petitioners and the counsel  
appearing on behalf of the State.

Petitioners, who are in custody since 8.8.2018 seek bail in connection with Chanan P.S. Case No. 138 of 2018 registered for the offences punishable under sections 341, 323, 504, 506, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant who is son of the deceased has stated in his written complaint that petitioners alongwith F.I.R. named accused persons killed his father while his father went to load the sand in a tractor at river Kiul.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have been falsely implicated in this case. The informant is not the eye-witness of the occurrence. There is no specific allegation against the petitioners, specific allegation of firing is against Karu Yadav. Similarly placed co-accused has been granted bail by co-ordinate bench of this court



passed in Cr. Misc. No. 27845 of 2018 vide order dated 18.07.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners, named above, be enlarged 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 learned Additional Chief Judicial Magistrate-1st, Lakhisarai, in connection with Chanan P.S. Case No. 138 of 2017, subject to the condition:

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

(2) Petitioners 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 sufficient reasons, their bail bonds shall be cancelled by the court below.

(3) 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.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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