

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82221 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- SIKANDRA District- Jamui

1. SURENDRA YADAV S/o Late Fakira Yadav R/o village- Khewsar, P.S.- Sikandra, District- Jamui
2. Maho Yadav S/o Late Fakira Yadav R/o village- Khewsar, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav, Advocate.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-05-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioners are languishing in custody for the offence punishable under Sections 147, 148, 149, 325, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are in custody since 14.08.2019. According to F.I.R., for land dispute, initially co-accused Tuntun Yadav fired from his rifle on the husband of the informant which caused injury at the arm. Thereafter, co-accused Suraj Yadav and Yogendra Yadav fired from their pistol causing injury



at the chest of the husband of the informant. After that husband of the informant fell down. Then co-accused Pappu Yadav, petitioners and Hit Yadav fired from their pistol causing injury at other parts of the body of the deceased.

Submission is that the post mortem report does not corroborate the prosecution allegation. In fact, informant side was aggressor on the land of the petitioners. Investigation of the case is already complete. There is no chance of conclusion of the trial in near future due to ongoing lock-down.

Considering the entire facts aforesaid as well as the fact that there is no material to substantiate that the petitioner is going to tamper with the evidence or hamper the trial, let the petitioners, above named, be released on bail, on furnishing bail bond of Rs.20000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sikandra P.S. Case No. 218 of 2019 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



(c) The petitioners shall not leave the country without permission of the trial Court.

If the petitioners would not be able in furnishing sureties due to lock-down, they shall be provisionally released on their personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

(Birendra Kumar, J)

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