

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5834 of 2021

Arising Out of PS. Case No.-277 Year-2019 Thana- BIHARIGANJ District- Madhepura

1. Naresh Yadav, Son of Late Mahadeo Yadav, Resident of Village-Rahi Pakilpara, P.S.-Bihariganj, District-Madhepura.
2. Yadu Yadav, Son of Late Baidhnath Yadav, Resident of Village-Rahi Pakilpara, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate
For the Opposite Party/s : Smt. Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-04-2021 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code.

As per F.I.R., eleven persons are named in the First Information Report. There is allegation that one co-accused namely, Lalo Yadav dragged the deceased and thereafter accused persons made indiscriminate firing causing the death of the husband of the informant.

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. There is no specific allegation against the petitioners to cause the death of deceased and allegations are general and omnibus in nature. There is no eye-witness of the occurrence. Petitioners and informant are from same village and they have land dispute between them. Similarly placed co-accused have been granted bail by co-ordinate bench of this court vide order dated 02.02.2021 passed in Cr. Misc. No. 37125 of 2020, order dated 02.02.2021 passed in Cr. Misc. No. 37259 of 2020 and order dated 27.02.2020 passed in Cr. Misc. No. 6826 of 2020 respectively. Petitioner no. 1 is in custody since 24.08.2020 and petitioner no. 2 is in custody since 26.08.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bihariganj P.S. Case No. 277 of 2019, subject to conditions:

- (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 represented on each and every date fixed by the court.

(3) If the petitioners 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 petitioners.

(S. Kumar, J)

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