

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38793 of 2014

Arising Out of PS.Case No. -72 Year- 2013 Thana -SANJHAULI District- SASARAM (ROHTAS)

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1. Laxman Yadav @ Laxuman Yadav Son of Shiv Parsan Yadav Resident
of Village Tillai, Police Station Sanjhauli Distt - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.40563 of 2014

Arising Out of PS.Case No. -72 Year- 2013 Thana -SANJHAULI District- SASARAM (ROHTAS)

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1. Bhirgun Yadav Son of Shiv Parshan Yadav Resident of village- Tillai,
Police Station- Sanjhauli, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.38793 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

(In Cr.Misc. No.40563 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

06/ 08.04.2015

Both the above stated petitions arise out of Sanjahuli P.S.

Case no. 72/2013 registered under section 302 and other minor
sections of the Indian Penal Code, section 3 (X) (I) of the SC/ST
(Prevention of Atrocities)Act and accordingly, both the above stated
petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

It would appear from perusal of first information report that a childish quarrel took place and in retaliation to the aforesaid quarrel petitioners and several other accused came there and made firings causing death of one old lady as well as causing injury to one young boy. Apart from this, associates of the petitioners assaulted other injured.

The contention on behalf of the petitioners is that, as a matter of fact, prosecution party was aggressor and prosecution party assaulted co-accused Manoj Yadav and others for which a counter case was lodged and co-accused Manoj Yadav and one person themselves appeared before police and lodged case.

Regard being had to the facts and circumstances as well as submissions of the parties, particularly, taking note of the allegation levelled against these petitioners, I do not feel it proper to release them on bail and accordingly, their prayer for bail in connection with the above stated case stands rejected.

However, the Sub divisional Judicial Magistrate, Bikramganj District Rohtas should commit the case of the petitioners to the court of sessions in accordance with law within three weeks from the date of receipt/production of a copy of this order, if the same has not been committed to the court of sessions as yet and after commitment, the concerned sessions court should expedite the trial of the petitioners and try to conclude the same as early as possible.

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(Hemant Kumar Srivastava,J)