

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38808 of 2014

Arising Out of PS.Case No. -80 Year- 2013 Thana -VIJAYPUR District- GOPALGANJ

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1.Kali Yadav Son of Narsingh Yadav

2.Devendra Yadav son of Kali Yadav,
Both residents of village - Majuwalia P.S. Bijaypur in the Distt -
Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha

For the Opposite Party/s : Mrs. Renu Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 07-01-2015 Heard learned counsel for the petitioners as well

as learned Additional Public Prosecutor for the State.

The petitioners are in custody since 27.6.2014 and
30.6.2014 respectively in connection with Bijaypur P.S. Case
No.80/13 registered for the offence under Section 302/34 of the
Indian Penal Code.

It is submitted on behalf of the petitioners that
the entire occurrence was sequel to spontaneous outburst
occasioned on account of carrying wood from a mango orchard.
It is further submitted that the family members of the informant
and the petitioners are related to each other and they had no
pre-meditation so as to attract the provisions of Section 302/34
of the I.P.C. It is further submitted that the attack on the person
of the deceased was also not pre- meditated and there had been

no use of any weapon rather there was assault using fists and slaps which resulted in the death of Bikram Yadav. It is further submitted that considering the fact that there was no mensrea attached to the occurrence of assault the petitioners being an old man may be extended the privilege of bail.

Considering the aforementioned submissions and also the fact that the petitioners are family members and the occurrence arose out of a sudden outburst, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in Bijaypur P.S. Case No.80 of 2013.

(Anjana Mishra,J)

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