

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37145 of 2015

Arising Out of PS.Case No. -315 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

1. Sunil Yadav.
2. Mithilesh Yadav Both sons of Late Bishundeo Yadav Both residents of Village- Pokharia, P.S.- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in jail custody since 19.6.2015 in connection with Gopalpur P. S. Case no. 315 of 2012 (G. R. no. 1243 of 2012) for the offences alleged under Sections 147, 149, 323, 448, 504 and 379 of the Indian Penal Code and Section 24 of the Wild Life Violence Act. Later on, Section 307 of the Indian Penal Code has been added.

The prosecution case is that petitioner Sunil Yadav was grazing his buffalo in the maize field of the informant. On protest made by the informant, the petitioners along with others started assaulting the informant. The petitioner Sunil Yadav made a lathi blow on the head of the informant. Thereafter, they entered into the house of the informant and took out clothes and ornaments amounting to Rs. 10,000/-. On raising alarm, they fled away.

It has been submitted by the learned counsel for the petitioners that both the petitioners and the informant are own Gotias and shareholders of paternal properties on which there is a

dispute and Title Suit(Partition) no. 35 of 2008 is going on between the parties before the court of Sub-Judge, Naugachia. It has further been submitted that the medical report is also managed on money consideration and there is no grievous/serious injury on the head of the informant. It has further been submitted that they have also lodged F.I.R. bearing Mahila Thana, Naugachia P.S. Case no. 37 of 2012 dated 2.10.2012 against the informant and his family members. Thus, the allegation against the petitioners is false. The petitioners further submit that they have no criminal antecedent.

Under such circumstances, let both the petitioners, namely, Sunil Yadav and Mithilesh Yadav, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Naugachia, Bhagalpur, in connection with Gopalpur P. S. Case no. 315 of 2012 (G.R. no. 1243 of 2012).

(Nilu Agrawal, J)

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