

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40141 of 2014

Arising Out of PS.Case No. -440 Year- 2013 Thana -SAUR BAZAR District- SAHARSA

Chandeshwari Yadav, Son of Late Laxman Yadav, R/o Village
Bhagwatpur, P.S Saur Bazar, District Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.48597 of 2014

Arising Out of PS.Case No. -440 Year- 2013 Thana -SAUR BAZAR District- SAHARSA

1. Dharmendra Kumar Yadav @ Dharmendra Yadav, S/o Bishwanath
Yadav.
2. Bishwanath Yadav, S/o Shravan Yadav, Both are residents of Village
Bhagwatpur, P.S. Sour Bazar, District Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40141 of 2014)

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

(In Cr.Misc. No.48597 of 2014)

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. Narendra Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 10-02-2015 Both these applications arise out of Saur Bazar P.S.
Case No.440/2013, as such, they have been heard together and are
being disposed of by this common order.

Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners are in custody for the offence

punishable under Sections 147, 149, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code and later on, Section 302 I.P.C. has also been added.

The allegation against the accused including the petitioners is to have assaulted the deceased Bablu Yadav with hard blunt substance. The accused Dharmendra Yadav tied the hands of the deceased. The petitioner Bishwanath Yadav took out Rs.1000/-from the pocket of the deceased and Nitish also took his wrist watch. On the next day, the deceased Bablu Yadav was handed over to the police by raising alarm as he was a thief.

It is submitted that for the same occurrence, the co-accused Amit Yadav has lodged Saur Bazar P.S. Case No.438/2013 for the offences punishable under Sections 457 and 380 of the Indian Penal Code alleging therein that the deceased Bablu Yadav entered into the house of the informant Amit Yadav and committed theft. On raising alarm, the neighbours and villagers came there and the deceased was caught red handed and assault was made by them and in the morning, he was handed over to the police. As a retaliation, the present case has been lodged against the petitioners and others due to land dispute. It is further submitted that during investigation, the wife and mother of the deceased have also been examined and there is variance in their statement with the statement made in the fard-beyan of the

informant. The petitioners have no criminal antecedent. After investigation, the charge sheet has already been submitted.

Considering the facts and circumstances of the case, let the above-named petitioners 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 learned Chief Judicial Magistrate, Saharsa/court concerned in Saur Bazar P.S. Case No.440/2013 **after framing of charge** with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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