

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42802 of 2015

Arising Out of PS.Case No. -137 Year- 2014 Thana -NIMCHAKBATHANI District- GAYA

- =====
1. Kamlesh Yadav Son of Mahesh Yadav
2. Mukesh Yadav Son of Kamlesh Yadav Residents of Village - Sonsa, P.S.
- Nimchak Bathani, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Ms. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-09-2015 Heard both sides.

The petitioners seek bail in Nimchak Bathani P.S. Case no. 137/2014, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The petitioner Kamlesh Yadav is alleged to have assaulted with iron rod on the head of the father of the informant and he died. No specific allegation of assault on the father of the informant is made against Petitioner no. 2 Mukesh Yadav. Mukesh Yadav is alleged to have assaulted Ajay Yadav, brother of the informant.

From perusal of post-mortem report, it appears that injuries were found on the head of deceased caused by hard and blunt

substance and on account of which the deceased died.

Considering the facts aforesaid, I am not inclined to enlarge petitioner no. 1 Kamlesh Yadav above named on bail. Accordingly, the same is rejected.

So far as the case of Mukesh Yadav is concerned, he is not the assailant of the deceased. He is alleged to have assaulted Ajay Yadav, the brother of the informant, but the brother of the informant did not get any grievous injury.

Considering the facts aforesaid, petitioner no. 2 Mukesh Yadav above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shashi Kumar Vijya, Judicial Magistrate 1st Class, Gaya, in connection with Nimchak Bathani P.S. Case no. 137/2014.

(Prabhat Kumar Jha, J.)

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