

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.43275 of 2015

Arising Out of PS.Case No. -282 Year- 2015 Thana -BAHERA District- DARBHANGA

- 1. Ganesh Yadav, Son of Late Sukhdeo Yadav
- 2. Ram Prayas Yadav @ Ram Prayag Yadav, Son of Late Mahant Yadav
- 3. Tej Yadav, Son of Late Lakshmi Yadav
- 4. Kailash Yadav, Son of Sukhar Yadav
- 5. Anil Yadav, Son of Late Ram Udar Yadav
- 6. Shyam Kishore Yadav, Son of Raj Kumar Yadav
- 7. Congress Yadav
- 8. Rajesh Yadav both s/o Ram Adhar Yadav
- 9. Shyam Sundar Yadav Son of Late Jamun Yadav
- 10. Ram Adhar Yadav
- 11. Jagat Yadav both are s/o Jamun Yadav
- 12. Gariblal Yadav
- 13. Jameeri Yadav both are S/o Ram Prayag Yadav
- 14. Om Prakash Yadav, Son of Ram Govind Yadav All are resident of village- Itharwa Tola Baluahi, P.S. Bahera, District- Darbhanga

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

with

Criminal Miscellaneous No.49290 of 2015

Arising Out of PS.Case No. -282 Year- 2015 Thana -BAHERA District- DARBHANGA

- 1. Nand Kishore Yadav, Son of Raj Kumar Yadav
- 2. Naresh Yadav
- 3. Birendra Yadav, Both are Sons of Late Kamal Narayan Yadav
- 4. Kamal Narain Yadav, Son of Late Ram Sharan Yadav
- 5. Rajaram Yadav, Son of Late Aditya Narayan Yadav
- 6. Mukesh Yadav @ Mukesh Kumar Yadav Son of Ram Govind Kumar Yadav
- 7. Sunil Kumar Yadav, Son of Tej Narayn Yadav
- 8. Baidyanath Yadav, Son of Ganesh Yadav
- 9. Ram Govind Yadav, son of Late Akshaya Yadav
- 10. Ramanjee Yadav @ Ranveer Yadav Son of Late Ram Bilash Yadav All are resident of village- Itharwa Tola Baluahi, P.S. Bahera, District- Darbhanga

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

(In Cr.Misc. No.43275 of 2015)

For the Petitioners : Mr. Saroj Kumar

For the Opposite Party : Mr. Ganesh Pd.Singh(App)

(In Cr.Misc. No.49290 of 2015)

For the Petitioners : Mr. Saroj Kumar

For the Opposite Party : Mr. Manoj Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

3 10-11-2015

Heard the counsel for the petitioners and counsel for the State.

The petitioner no.1 is in custody since 04.07.2015, petitioner nos.2 to 4 are in custody since 06.07.2015, and petitioner nos.5 to 14 are languishing in jail since 27.07.2015 (Cr.Misc.No.43275 of 2015) and also petitioners are in custody since 19.08.2015 (Cr.Misc.No.49290 of 2015) in a case instituted under Sections 147, 148, 149, 323, 324, 307, 452, 380, 504 and 302 of the Indian Penal Code.

As per prosecution case, all the accused persons including the petitioners armed with *lathi*, *bhala*, *pharsa* arrow and deadly weapons arrived and on the order of accused Anil Yadav accused persons including petitioners inflicted arrow and blow on the prosecution party due to which prosecution party sustained grievous injuries and all accused persons started pelting stones, bricks, bottles and due to which female of house fled away and also took away ornaments and the injured persons were brought to the hospital during course of treatment the injured

died.

It has been submitted on behalf of the petitioners that the petitioner no.1 is in custody since 04.07.2015, petitioner nos.2 to 4 are in custody since 06.07.2015, and petitioner nos.5 to 14 are languishing in jail custody since 27.07.2015 (Cr.Misc.No.43275 of 2015) and also petitioners are in custody since 19.08.2015 (Cr.Misc.No.49290 of 2015). Chargesheet has been submitted in the case. Petitioners have got no criminal antecedent. There is no allegation of tampering of evidence against the petitioners. There is general and omnibus allegation against the petitioners. No specific injury has been attributed against them. Altogether 31 persons have been named in the FIR along with 5-7 unknown persons. The case was instituted for an offence under Section 307 Indian Penal Code. Later on Section 302 Indian Penal Code has been added.

On behalf of the State and the counsel for the Informant, it has been submitted that the petitioners are named in the FIR and they have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of

the like amount each to the satisfaction of learned ACJM, Benipur, Darbhanga in connection with Behera P.S.Case No.282 of 2015.

The court below is directed to verify that whether the petitioners have any criminal antecedent or not, if any of the petitioners has any criminal antecedent, his bail bond shall not be accepted.

(Sudhir Singh, J)

B.Kr./-

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