

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47129 of 2014

Arising Out of PS.Case No. -59 Year- 2012 Thana -MARAUNA District- SUPAUL

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Shyam Sunder Yadav, Son of Nandlal Yadav, resident of village -
Kulharia, Police Station - Marauna, Distt. – Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 28-01-2015

Heard learned counsel for the petitioner, learned

A.P.P. for the State and Mr. Suraj Narain Yadav learned counsel
for the informant.

Petitioner seeks bail in connection with Sessions
Trial No. 174 of 2013 arising out of Marouna P.S. Case No. 59 of
2012 registered under Sections 341, 323, 324, 307, 504, 506 of the
I.P.C. and later on, section 302 of the I.P.C. was added.

Submission of learned counsel for the petitioner is
that prayer of the petitioner for bail was earlier rejected by this
Court vide Cr. Misc. No. 35044 of 2013 on 20.03.2014 and the
petitioner is in custody since 24.05.2013. It is also submitted that
it would appear from the F.I.R. itself that the occurrence took
place due to dispute of plucking the mango tree. Moreover, the
allegation against the petitioner is to give farsa blow at the head of
the injured Laldev Yadav, father of the informant, who died in

course of treatment after 21 days of the occurrence. There is no repetition of blow by this petitioner which itself indicates that there was no motive to cause the death of the deceased. Moreover, in the postmortem report, only one external injury was found, which is said to be caused by hard and blunt substance. The case appears at best within the purview of section 304 of the I.P.C.

Learned counsel for the informant has vehemently opposed the prayer of the petitioner.

Under the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge-I, Supaul in connection with Sessions Trial No. 174 of 2013 arising out of Marouna P.S. Case No. 59 of 2012.

(Rajendra Kumar Mishra, J.)

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