

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47372 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -SHAMBHUGANJ District- BANKA

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Kailash Yadav Son of Late Saryug Yadav, Resident of Village - Karsop,
Police Station - Shambhuganj, District - Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2. 04-03-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Shambhuganj P.S.
Case No. 47 of 2014 dated 22.05.2014 instituted under Sections
341/323/308/447/504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
he is the full brother of the informant and the allegation is of
assaulting the informant and other family members including his
wife but later on had succumbed the injury after three days of the
incident. Learned counsel submits that from the F.I.R. it would
be clear that it was a family dispute of a petty nature in which
even womenfolk were involved as the wife and 13 years old minor
daughter of the petitioner have also been made accused. It is
submitted that for the same incident, the petitioner has also
instituted Shambhuganj P.S. Case No. 46 of 2014, prior to the
present case and he has also suffered head injury and fractured

his arm. Learned counsel submits that the death having occurred three days after the incident clearly goes to show that there was no intention to kill but merely a spontaneous fight between two families on the spur of the moment. It is submitted that the petitioner having clean antecedent is in custody since 22.08.2014.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Banka in Shambhuganj P.S. Case No. 47 of 2014. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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