

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33009 of 2014

Arising Out of PS.Case No. -15 Year- 2014 Thana -RAXAUL District- EAST CHAMPARAN
(MOTIHARI)

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1. Jadui Yadav. S/o Late Tulsi Yadav
2. Ram Babu Yadav, S/o of Late Mohan Yadav
3. Shyambabu Yadav, S/o of Late Mohar Yadav
All are resident of Ahirwa Tola, P.S. Raxaul , District - East Champaran

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-02-2015 Heard both sides.

The petitioners, namely, Jadul Yadav, Ram Babu Yadav and Shyambabu Yadav, apprehend their arrest in Raxaul P.S. Case No. 15/2014 registered under Section 307 and other sections of the Indian Penal Code.

According to the prosecution case, Virendra Yadav alleged that some damage was caused to the bricks of the accused persons by the bullock-cart of the informant and, on such, some verbal altercations took place. It is alleged that on the order of Shyambabu Rai (petitioner no. 3), Ram Babu Rai (petitioner no. 2) assaulted the informant with Farsa and his brother Syambabu Rai assaulted the informant with iron rod.

Learned counsel for the petitioners submits that the occurrence is said to have taken place on 30.11.2013 but, after ten days of the occurrence, the complaint petition was filed on 10.12.2013, on the basis of which, the present F.I.R. was lodged. The delay in lodging the case itself creates serious doubt about the prosecution case. The injuries found on the body of the informant are simple in nature.

Considering the facts that the case itself was lodged after ten days of the occurrence and the injuries are simple in nature, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, East Champaran at Motihari in Raxaul P.S. Case No. 15/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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