

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38956 of 2014

Arising Out of PS.Case No. -91 Year- 2014 Thana -KHAIRA District- JAMUI

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1. Birendra Yadav Son of Late Jago Yadav
2. Shambhu Yadav Son of Bhulan Yadav Resident of Village - Panbharwa,
P.S. - Khaira, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 27-03-2015

Heard the learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners, namely, Birendra Yadav and
Shambhu Yadav who apprehend their arrest in Khaira P.S. Case
No.91 of 2014 under Sections 147, 148, 149, 323, 325, 307, 452,
379, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submitted that
the allegation of assault against these petitioners is on Okil Modi.
The injury report of Okil Modi has been annexed as Annexure II
at page 14 from which it will appear that simple injuries were
found on the person. According to the learned counsel, in fact, the
son of Khublal Yadav, the informant's party, who is also accused
in this case, was brutally assaulted by the informant party, as a
result of which, he became unconscious and was admitted in

Hospital. Therefore, a case has been filed against the informant party under Section 307 I.P.C. Because of this case, the informant party has filed this counter case against the petitioners including others.

Perused the F.I.R. and the injury report. It appears that the allegation against these two petitioners is of assault on Okil Modi. It further appears that he has only received two injuries which are simple in nature. Admittedly, there is counter-case also. The injury report of the son of Khublal Yadav Annexure II disclosed that he was brought to the Hospital in unconscious condition and the Doctor opined that injury nos.1 and 2 are dangerous to life.

In view of the above facts and circumstances of the case, I direct the petitioners named above to surrender before the court below within one month from today and on their so surrendering, the petitioners shall 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 Sri B.K.Singh, learned Judicial Magistrate 1st Class, Jamui in connection with Khaira P.S. Case No.91 of 2014.

Saurabh/-

(Mungeshwar Sahoo, J)

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