

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45853 of 2014

Arising Out of PS.Case No. -117 Year- 2014 Thana -RAJAULI District- NAWADA

- =====
1. Guddu Yadav, Son of Dilchand Yadav.
 2. Ganesh Yadav, Son of Bundi Yadav.
 3. Rameshwar Yadav, Son of Bundi Yadav.
 4. Upendra Yadav, Son of Rameshwar Yadav. All are residents of Village :
- Gagan Khurd, P.S. - Rajauli, District : - Nawada.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.2386 of 2015

Arising Out of PS.Case No. -117 Year- 2014 Thana -RAJAULI District- NAWADA

- =====
1. Dilchandra Yadav, Son of Bundi Yadav.
 2. Muniya Devi, Wife of Raj Deo Yadav.
 3. Mina Devi, Wife of Rameshar Yadav.
 4. Bundi Yadav, S/O Late Lalit Yadav. All are residents of Village-Gagan
Khurd, P.S-Rajauli, Distt.-Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.45853 of 2014)

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party : Mr. Renu Kumari(App)

(In Cr.Misc. No.2386 of 2015)

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party : Mr. Raj Kishor Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in
connection with Rajauli P.S. Case No. 117 of 2014 registered for

the offences under Sections 147, 148, 341, 323, 380, 447, 302, 504 and 506 of the Indian Penal Code.

The prosecution case, in short, is that on the alleged date of occurrence with regard to land dispute with the Gotia of the informant, all the accused persons came to the door of the house of the informant and started abusing, on which the informant told why they are abusing? Upon which all the accused persons started assaulting him and thereafter Guddu Yadav assaulted the informant's wife brutally with Lathi as a result of which, his wife died in the morning and all had threatened that if the case is filed, they will kill all of them and Upendra Yadav took away Silver Hasuli of 20 Bhar after breaking the box.

Learned counsel for the petitioners has submitted that in the F.I.R., there is specific allegation of assault upon the deceased by Lathi but the said fact is not supported from perusal of the post mortem report vide Annexure-2, to the present application. There is no external or enternal injury shown in the post mortem report. Further it has been submitted on behalf of the petitioners that the present prosecution has been brought against the petitioners due to land dispute between the parties. However, it has been submitted on behalf of the petitioners that the deceased was aged 80 years old and she had natural death.

Learned A.P.P. on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the fact that the postmortem report do not indicate any external and enternal injury upon the deceased, let the petitioners, above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Rajauli P.S. Case No. 117 of 2014 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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