

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44400 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana –TOWN SAHAYAK District- KATIHAR

1. Binod Yadav Son of Late Basudeo Yadav R/o Mohalla Barmasia, P.S.
Katihar Sahayak, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 24-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Allegedly, petitioner and co-accused, Rajesh Yadav gave dagger blow simultaneously on the back of the deceased and after that co-accused, Rajesh Yadav repeated his blow and gave another blow on the neck of the deceased. Para 60 of the case diary reveals that three incised wounds were found on the person of the deceased and out of the aforesaid three injuries, two injuries were found on the back of the deceased whereas third injury was found on his left ear.

Learned counsel appearing for the petitioner submits that except family members of the deceased, not a single independent witness states this fact that this petitioner had given

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dagger blow to the deceased rather the independent witnesses have stated that petitioner was only present on the place of occurrence and facilitated the main assailant to flee from the place of occurrence which is evident from perusal of para 83 and 84 of the case diary. It is further contended by him that even if the prosecution story assumed to be true, then also, there was no intention of the petitioner to commit the murder of the deceased as petitioner did not repeat his blow.

Petitioner is in jail custody since 23.05.2014 and para 3 of the petition reveals that he does not have any criminal antecedent.

Considering the aforesaid facts and circumstances as well as submissions of 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 Chief Judicial Magistrate, Katihar in connection with Town (Sahayak) P.S. Case No. 20 of 2014.

(Hemant Kumar Srivastava, J)

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