

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.876 of 2015

- =====
1. Feku Yadav, Son of Bandi Yadav,
 2. Kameshwar Yadav, Son of Bhagwat Yadav, Resident of Village – Basaha, P.S. – Babubarhi, District – Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-01-2015

Heard both sides.

The petitioners Feku Yadav, Kameshwar Yadav seek bail in Babubarhi P.S. Case No. 120 of 2014, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code, later on Section 302 of the Indian Penal Code was added.

Gangai Yadav named 11 persons and alleged that they having different weapons came to his field. Parsuram Yadav is said to have assaulted Ramchandra Mahto with Garasa on his head. Rajdev Yadav is alleged to have assaulted Ram Prasad Mahto with Pharsa on his head. Rambabu Yadav is alleged to have assaulted Jamun Prasad Yadav. Rameshwar Yadav is alleged to have assaulted Umda Devi, Feku Yadav is alleged to have assaulted Radhe Yadav with stick on his head.

Learned counsel for the petitioners submits that there is case and counter case and there is no allegation of assault against Kameshwar Yadav. Feku Yadav is alleged to have assaulted with stick on the head of Radhe Yadav who received simple injury. Rajdev Yadav assaulted Ram Prasad Mahto who died during the course of treatment.

Considering the facts aforesaid that there is case and counter case and the fact that petitioner Feku Yadav is alleged to have assaulted with Lathi and no allegation of assault is against petitioner Kameshwar Yadav, they are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri R. Shankar, the learned Judicial Magistrate, 1st Class, Madhubani in connection with Babubarhi P.S. Case No. 120 of 2014.

(Prabhat Kumar Jha, J.)

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