

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24002 of 2015

Arising Out of PS.Case No. -620 Year- 2014 Thana -NAWADA District- NAWADA

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1. Raj Kumar Yadav Son of Shivshankar Prasad Resident of village -
Mirjapur Bighapar, Police Station - Nawada, District - Nawada
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is languishing in custody since 24.12.2014
for the offences instituted under Sections 302/34 of the Indian
Penal Code.

The prosecution story, in brief, is that on 25.09.2014 at
about 05:00 p.m. small children were playing cricket on the land
adjacent to the house of the informant then the deceased brother of
the informant, namely, Manoj Kumar protested to play cricket
three. In the meantime, Raj Kumar Yadav, Ranjeet Yadav and the
wife of Raj Kumar Yadav started assaulting the informant's brother
and the petitioner Raj Kumar Yadav and co-accused Ranjeet
Yadav armed with iron-rod and Khanti respectively assaulted
brutally to the informant's brother and the wife of Raj Kumar
Yadav was telling to kill the deceased and thereafter the wife of

Raj Kumar Yadav assaulted the deceased brutally with the bat on his leg and chest after fall and the deceased was carried for treatment and referred to Patna Medical College and Hospital, Patna where he died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is submitted that the alleged occurrence is said taken place on 25.09.2014 but the case has been instituted on 27.09.2014, after a gap of two days for which no explanation has been made on behalf of the prosecution. The weapon which is said to have been used in course of occurrence is cricket bat. Hence, offence under Section 302 is attracted.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada the learned in connection with Nawada Town P.S. Case No. 620 of 2014.

(Sudhir Singh, J)

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