

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29205 of 2015

Arising Out of P.S.Case No. -395 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

1. Lala Yadav S/o Sri Ram Bahadur Yadav Resident of Village Ghorghatta,
P.S. Bahadurpur (O.P. Fekla), District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
24.03.2015 in a case registered for the offences punishable under
Sections 147, 148, 149, 364, 302 of the Indian Penal Code and
Section 3 (2) V of the S.C./S.T. (Prevention of Atrocities) Act.

The prosecution case is that one Ram Bharosh Paswan
lodged written report addressed to the officer Incharge of Fekla
O.P. within Bahadurpur Police Station dated 2.12.2014 stating
therein interalia that on 01.12.2014 at about 5.00 P.M. he and his
father were going to take tea and when he went near the house of
Ram Ekbal Yadav, 18 F.I.R. named accused persons including the
petitioner surrounded his father and forcibly abducted him and
they were saying that as he has not casted his vote in support of

his candidate in PACS election and due to that reason their candidate lost election and Dusadh will be killed. They abducted him and badly assaulted him on the entire body. The occurrence was seen by large number of villagers and seeing the villagers they fled away leaving his father. After some time police came and got his father admitted in Darbhanga Medical college Hospital where his father died. The aforesaid occurrence was witnessed by Niraj Paswan, Mithilesh Paswan , Gopal Paswan, Kameshwar Paswan, Ram Jatan Paswan, Abhishek Yadav and Nagendra Yadav and others.

It has been submitted by the learned counsel for the petitioner that there are many other persons named in the F.I.R. against whom allegations are general and omnibus. All of accused persons including the petitioner alleged to have kidnapped the father of the informant on 01.12.2014, whereafter he was assaulted, but on arrival of the villagers, all of them are alleged to have fled away leaving the father of the informant in an injured condition, whereafter, he was taken to P.M.C.H. for treatment where he succumbed to the injury during course of treatment.

A Co-ordinate Bench of this Court passed in Cr. Misc. No. 14782 of 2015, Cr. Misc. No. 16662 of 2015 and Cr. Misc. No. 19683 of 2015 vide order dated 28.05.2015 has enlarged on bail some of the accused persons. Since the allegations are of same and similar nature, I see no reason to take a different view.

Considering the aforesaid facts, let the above named petitioner 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, Darbhanga in connection with Bahadurpur P. S. Case No. 395/2014.

(Nilu Agrawal, J)

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