

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32087 of 2015

Arising Out of PS.Case No. -271 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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1. Sofin Yadav Son of Late Sita Ram Yadav,
2. Baidya Nath Yadav, Son of Adhik Yadav, Both resident of village -
Kabilashi, P.S. - Saur Bazar, District - Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pranav Kumar Jha, Advocate.

For the Opposite Party : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-08-2015 Heard both sides.

The petitioners seek bail in a case registered for the offences punishable under Sections 307 and other Sections of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

The petitioners Sofin Yadav is alleged to have assaulted the informant Kundan Yadav with Pharsa on his head and petitioner no. 2 Baidya Nath Yadav is alleged to have assaulted the mother of the informant with Dabiya, a sharp edged weapon, on her head. Kundan Yadav received one injury. The opinion of which was kept reserved till the submission of charge sheet. Opinion with regard to the nature of injury was not submitted.

It is submitted that Budhia Devi @ Vidya Devi the mother of the informant also received one injury although alleged to have been assaulted with Dabiya a sharp edged weapon, but the injury on head of Budhia Devi @ Vidya Devi is lacerated. Budhia Devi @ Vidya Devi died after 17 days of the occurrence. Baidya Nath Yadav is also an old man aged about 70 years.

However, learned counsel for the informant as well as the learned APP vehemently opposed the prayer for bail.

Taking into consideration that Sofin Yadav petitioner no. 1 is alleged to have assaulted Kundan Yadav, but the opinion with regard to nature of injury is not submitted till the submission of charge sheet, he namely Sofin Yadav petitioner no. 1 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saur Bazar P.S. Case No. 271 of 2014.

So far as the case of Baidya Nath Yadav, petitioner no. 2 is concerned he is alleged to have assaulted Budhia Devi @ Vidya Devi the mother of the informant who died after having got injury on her head after 17 days of the occurrence, I am not inclined to enlarge the Baidya Nath Yadav, petitioner no. 2 on bail. Accordingly, the same is rejected.

The petitioner no. 2, if so advised, may again mover for
bail after remaining one year in custody.

(Prabhat Kumar Jha, J.)

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