

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42015 of 2015

Arising out of PS.Case No. -72 Year- 2015 Thana -SANDESH District- BHOJPUR

1. Vikrama Yadav, Son of Chatur Yadav.
2. Rajesh Yadav, Son of Chatur Yadav. Residents of Village - Kusare Maini Tola, P.S.- Sandesh, District – Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Amarendra Kumar, Advocate.
For the Opposite Party : Mr. Atul Chandra(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-11-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are languishing in custody since 27.05.2015 in connection with Sandesh P.S. Case No. 72 of 2015 for the offences instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that the informant Vinod Kumar was returning his house through bicycle alongwith his father from Civil Court, Ara, and when both of them reached near the bridge of *Dehari* Kumhari river, both the petitioners accused alongwith other co-accused armed with weapon came near to assault them but in the meantime, the informant left the



bicycle and fled away but his father fell down thereon. Thereafter, the accused persons tied his neck by means of *Gamchha* and started to pull in opposite direction to each other. When the informant again reached near the place of occurrence alongwith the Villagers, he found that the dead body of his father was lying near the bank of river and blood was oozing from his nose and mouth.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are in custody since 27.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioners. The informant is not an eye witness to the alleged occurrence which is evident from FIR itself. No specific injury is attributed against the petitioners. Prior to institution of the present case, a case was instituted vide Annexure-2 where the informant's side were accused and for the said reason the petitioners have falsely been implicated in the present case.

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

Considering the aforesaid facts and circumstances, let the petitioners 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 the learned C.J.M., Ara, in
connection with Sandesh P.S. Case No. 72 of 2015.

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(Sudhir Singh, J)

