

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39414 of 2015

Arising out of PS.Case No. -122 Year- 2015 Thana -SAHARSA District- SAHARSA

Dilkhush Yadav @ Dilkhush Kumar, Son of Jugo Yadav, resident of Village- Simraha, Tola- Rajwara, Ward No.-35, Police Station- Saharsa Sadar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjit Kumar Singh, Advocate.

For the Opposite Party : Mr. Sanjay Kr. Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Sahaesa Sadar P.S. Case No. 122/2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the IPC.

The prosecution story, in brief, is that on the date and time of occurrence, the informant and other persons were taking rest after taking food then all of a sudden, the F.I.R. named accused persons armed with deadly weapon came there and used derogatory language and when it was objected then the accused persons told the informant and his men to vacate the land of

Thakurbari where the accused persons will graze cattle. It is also alleged that the accused persons surrounded and attacked on them and by badly assaulting them caused injury to those persons out of them one injured Bipin Yadav died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that there is no allegation of assault against the petitioner causing any injury upon the deceased. The allegation against the petitioner is that he had assaulted the informant. From perusal of the injury report which is annexure- 2, it would appear that the injuries sustained upon the informant are simple in nature. Other co-accused also have been granted bail vide Cr. Misc. Nos. 21177/2015 and 32131/2015.

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

Taking into account the fact that there is no allegation against the petitioner for assaulting the deceased let him above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Saharsa Sadar P.S. Case No. 122/2015 (G.R. No. 417/2015) 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., Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

