

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12427 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -JADOPUR District-
GOPALGANJ

- =====
1. Sipahi Yadav
 2. Bali Yadav
- Both are sons of Bikrama Yadav
Both residents of Village - Bagaha, P.S. - Yadopur, District - Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv.
For the Opposite Party/s : Ms. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 03-09-2015 Heard both sides.

The petitioners seek bail in a case registered for the offences punishable under Sections 302 and other Section of the Indian Penal Code.

The informant alleged that Bali Yadav was assaulting Ram Babu on such his father intervened. Bali Yadav threatened Raja Yadav, father of the informant. The informant named 10 persons and alleged that while his father coming to his house, they all brutally assaulted him with *lathi* and *danda*.

Learned counsel for the petitioners submits that there is omnibus and general allegation of assault against all the accused



persons. From perusal of the post-mortem report it appears that deceased Raja Yadav got one head injury on account which, he died and two other injuries are abrasion. It has not come on record who is the author of the head injury. The occurrence is said to have been taken place on 15.6.2014, but the FIR was lodged on 20.6.2014. There is a counter version bearing Yadopur P. S. Case No. 60 of 2014 dated 16.6.2014. The petitioners are in jail for about more than one year.

On the other hand, learned Additional Public Prosecutor for the State submits that during the course of investigation, the witnesses stated that petitioners Bali Yadav and Sipahi Yadav assaulted the deceased with lathi. There is specific allegation against both these petitioners that they assaulted the deceased.

It appears that the informant, who himself claims to be an eye witness of the occurrence, did not make any specific allegation of assault against the petitioners. He had only made omnibus and general allegation that all the accused named in the FIR, had assaulted his father. The FIR was lodged after five days of the occurrence. During course of investigation, some of the witnesses, however, stated that the petitioners assaulted the deceased with lathi. The petitioners have already remained in jail

for about more than one year and there is a counter version.

Considering the facts aforesaid, the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Yadopur P. S. Case No. 62 of 2014.

(Prabhat Kumar Jha, J)

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