

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22030 of 2015

Arising Out of PS.Case No. -370 Year- 2008 Thana -KALUAHI District- MADHUBANI

Vinay Krishna Kumar @ Vijay Krishna Kumar @ Mahesh Yadav S/o Lal
Bahadur Yadav Resident of Village Narar Gulleriya Tola, P.S. Kaluahi,
District Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. G.S.Gupta (APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

Informant Baidyanath Yadav named Deo Sundar
Yadav, Dilip Yadav, Sanjay Yadav, Vijay Yadav, Ram Chandra
Yadav, Shiv Kumar Yadav, Vinay Krishna Kumar Yadav (the
petitioner), Dipendra Yadav, Tarun Yadav, Rajgir Yadav, Santosh
Yadav and 8 other named persons and alleged that they all
assaulted his father Asharfi Yadav, cousin Naresh Yadav, Ramesh
Yadav and sister-in-law Shila Devi. It is further alleged that
Mahesh Yadav assaulted Akhilesh Yadav with Dabiya on his neck
and Akhilesh Yadav died on the spot. The occurrence is said to
have taken place on 27.11.2008 at about 5:00 hours in the evening.
The police, on information, reached at the place of occurrence at



6:30 P.M. on the same day, i.e. 27.11.2008, but neither the informant, who is said to have been injured, nor any other injured person made any Fardbeyan before the police narrating the occurrence and killing of Akhilesh Yadav. The police, in search, went to the house of the accused persons and when the police returned to the house of the informant, the police found Akhilesh Yadav limping and instantly he died, but even then nobody lodged any case. The present case was lodged on 28.11.2008 in which the informant made specific allegation against the petitioner. The Superintendent of Police, in his supervision note, found the case false against the petitioner and directed the investigating officer to lodge a case against the informant and others for the death of Akhilesh Yadav and directed to submit final form against the petitioner.

Learned A.P.P. for the State opposed the prayer for bail and submitted that the two injured persons have described about the manner of occurrence.

It appears that on 27.11.2008 itself when the police arrived at the place of occurrence, none came forward to lodge the case and, after more than 12 hours of the occurrence, the informant came and lodged the case making allegation that the petitioner and other accused persons are alleged to have assaulted

the informant and others. The same version is disbelieved by the investigating officer as well as the supervising authority.

Considering the facts aforesaid, the above named petitioner 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, Madhubani in Kaluahi (Khajauli) P.S. Case No. 370 of 2008.

(Prabhat Kumar Jha, J)

Dilip/-

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