

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 51902 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -KHAIRA District- JAMUI

- =====
1. Santosh Yadav Son of Mahadeo Yadav,
 2. Kallu Yadav, Son of Ramjee Yadav,
- Both are resident of Village – Karkatti, Police Station – Khaira, District – Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-11-2015 Heard Sri Pramod Kumar, learned counsel for petitioners and Sri Chandra Sen Prasad Singh, learned Addl. Public Prosecutor.

Two petitioners, who are in custody in Khaira P.S. Case No. 01 of 2015 registered for the offence under Section 307 and other allied sections of the Indian Penal Code, have prayed for grant of bail.

It was submitted by learned counsel for petitioners that in an untoward incident, the informant side of the present case were aggressor and they assaulted the petitioners' side and occurrence had taken place on 19-12-2014. Accordingly, on the information given from the side of the petitioners, an F.I.R. was lodged, vide Khaira (Jamui) P.S. Case no. 273 of 2014 on 20-12-2014 under Sections 147, 148, 149, 323, 504, 380, 337 and 427 of the Indian Penal Code.

However, on an allegation that occurrence had taken place on 19-12-2014 in the present case, F.I.R. was lodged on 03-01-2015 and as such, petitioners were made accused. It has been argued that number of other accused of the present case have already been granted bail.

Learned Addl. Public Prosecutor has opposed the prayer of bail and submits that there is specific accusation against both the petitioners. Allegation against petitioner no. 1 is that he gave *Bhujali* blow on the head and there is allegation against petitioner no. 2 that he gave *iron* blow on the head. However, learned counsel for petitioners, referring to **Annexure – 3**, submits that the allegation has not been exactly corroborated in the injury report.

Be that as it may, keeping in view the fact that it was a case & counter case and other accused persons have already been granted bail, let both the petitioners namely Santosh Yadav and Kallu Yadav be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri U.K.Pandey, learned Judicial Magistrate Ist Class, Jamui/concerned court in connection with Khaira P.S. Case No. 01 of 2015.

(Rakesh Kumar, J.)

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