

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44979 of 2015

Arising Out of PS.Case No. -410 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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1. Lalan Yadav
2. British Yadav @ British Kumar Yadav Both sons of Babaji Yadav,
Resident of village- Baluahi, P.S.- Khagaria, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr. Harendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 22-12-2015 Heard both sides.

The petitioners apprehend their arrest in Khagaria P.S.
Case No. 410/2014, registered for the offences punishable under
Section 341, 323, 504, 506, 325, 307 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The informant Indrajit Kumar alleged that the petitioners
and others assaulted him and his father Rudal Yadav. The
petitioner Lallan Yadav is said to have fired causing injury on the
hand of the informant.

It is submitted that the occurrence took place on
11.05.2014, but the FIR was lodged on 28.06.2014 i.e., after 49
days of the occurrence. The doctor examined Rudal Yadav and the
informant Indrajit Kumar, found injuries of pain and lacerated

wounds. The opinion was reserved for X-Ray report, but no X-Ray report was ever produced.

It is submitted that the petitioners are co-sharer of the informant and on account of land dispute this case has been lodged. Before one day of the occurrence another case was lodged in which the petitioners were granted bail by the police. After 49 days of the occurrence this case has been lodged.

Considering the facts that the case itself was lodged after 49 days of the occurrence and no fire-arm injuries found on the person of the informant and also injury found on the person of informant and his father appears to be simple in nature, the above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 410/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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