

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24057 of 2015

Arising out of PS.Case No. -45 Year- 2015 Thana -DAUDPUR District- SARAN

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1. Rajesh Kumar Upadhyay, S/o Raj Mangal Upadhyay.
 2. Anjay Kumar Upadhyay, S/o hariharnath Upadhyay. Both are R/o Village Vagoiya, P.S. Daudpur, District Saran at Chapra.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Binod Singh, Advocate.

For the Opposite Party : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 The petitioners are languishing in custody since 20.03.2015 in connection with Daudpur P.S. Case No. 45 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and 302 of the I.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 14.03.2015 at about 5.00 P.M., when she was sitting at her door, the above named petitioners alongwith other co-accused persons, armed with Lathi, Farsa, Rod etc., came at the door of the informant and started abusing the son of the informant. On protest, co-accused Raj Mangal Upadhyay ordered the other accused persons

alongwith these petitioners to kill Mantu the son of the informant, and on his order, all the accused persons started, assaulting Mantu Kumar. Accused Rajesh Kumar Upadhyay assaulted Mantu by Farsa on his head. When the informant went to save her son, accused persons also assaulted her, accused Janak Deo Upadhyay snatched her golden chain and accused Sanjay Kumar Upadhyay took away the mobile of her son.

It has been submitted on behalf of the petitioners that the alleged occurrence is said to have taken place due to civil dispute between the parties. It is further submitted that the against petitioner no. 1 there is specific allegation of assaulting the deceased on head by Farsa. So far as the petitioner no. 2 is concerned, there is no specific allegation of any overtact alleged against him. Further it is submitted that there is no criminal antecedent against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

So far as the petitioner no. 2 Anjay Kumar Upadhyay is concerned, he is directed to be released 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 J.M. Ist Class, Chpara, in connection with Daudpur P.S. Case No. 45 of 2015.

So far as petitioner no. 1 Rajesh Kumar Upadhyay is concerned, it is directed that the learned court below shall take all steps to expedite the trial and if the trial is not concluded within a period of fifteen months from the date of custody i.e., 20.03.2015, the petitioner no. 1 will be at liberty to move before this Hon’ble Court for grant of bail.

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(Sudhir Singh, J)