

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27503 of 2015

Arising out of PS.Case No. -159 Year- 2015 Thana -MAJHAULIA District- WEST
CHAMPARAN(BETTIAH)

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1. Nand Lal Yadav, Son of Asharfi Yadav.
 2. Asharfi yadav, Son of Harkhooli Yadav.
 3. Bunni Yadav, son of Daroga Yadav.
 4. Dhanilal Yadav, Son of Asharfi Yadav. All are residents of Village-
Dumari, Police station Majhauliya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar No.-7, Advocate.
For the Opposite Party : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsels for the petitioners, informant and

learned counsel for the State

The petitioners are apprehending their arrest in connection
with Majhauliya P.S. Case No. 159 of 2015 for the offences
instituted under Sections 147, 148, 149, 323, 302, 324, 307 and
504 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioners variously armed with Bhala,
Garasa and Lathi came at the door of the informant and started
abusing due to quarrel of children between both the parties and
when the brother of the informant, namely, Rajbanshi Yadav,

made protest then co-accused Banarsi Yadav and Baliram Yadav ordered to kill him and thereafter co-accused Birbal Yadav gave a Bhala blow on the chest of his brother due to which he fell down and became unconscious. He was brought to P.H.C., Majhauilia, where the doctor declared him to be dead.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that there is no injury attributed against the petitioners nor there is any specific overt act alleged against the petitioners. The specific allegation is made against one Birbal Yadav for giving specific Bhala blow to the deceased. It is further submitted that it is a case for offence under Section 304(i) or (ii) of the I.P.C. as there is no repetition of blow.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners are named in the F.I.R. and they were members of unlawful assembly.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Majhauilia P.S. Case No. 159/2015 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 C.J.M., West Champaran at Bettiah,
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

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(Sudhir Singh, J)

