

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42267 of 2015

Arising Out of PS.Case No. -55 Year- 2013 Thana -NAUHATTA District- SAHARSA

- =====
1. Baleshwar Yadav @ Balo @ Baleshwar @ Ballu Yadav Son of Domi Yadav
2. Jai Nandan Yadav @ Jainandan Kishor @ Ghusuk Yadav Son of Domi Yadav Both resident of village - Gadhiya, P.S. Nauhatta, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection with Nauhatta P.S. Case No. 55 of 2013 registered for the offences punishable under sections 341, 323, 504, 506, 324, 307, 448 and 380 read with 34 of the Indian Penal Code.

It is contended that the ingredients of Section 307 of the Indian Penal Code would not be attracted in the facts and circumstances of the case. The petitioner no.1 is said to be the order-giver whereas the petitioner no.2 is said to have assaulted the informant with farsa. Referring to the injury report, it is submitted that the injuries found on the person of the son of the

informant are all simple and superficial. It is further contended that there is an inordinate delay in institution of the FIR and there is no reasonable explanation for the delay caused in filing the FIR. The occurrence is said to have taken place on 21st May, 2013 but the FIR was registered on 25th May, 2013.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners, namely, Baleshwar Yadav @ Balo @ Baleshwar @ Ballu Yadav and Jai Nandan Yadav @ Jainandan Kishor @ Ghusuk Yadav are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 55 of 2013, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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