

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2589 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -MADANPUR District- AURANGABAD

1. Harinarayan Yadav Son of Saryu Yadav
2. Dindayal Yadav Son of Saryu Yadav Both are resident of Village Patnanawa, P.S. Madanpur, District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.2685 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -MADANPUR District- AURANGABAD

1. Saryu Yadav S/o Late Rameshwar Yadav
2. Ram Lal Yadav S/o Saryu Yadav Both are Resident of Village-Patanawa, P.S.-Madanpur, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.2589 of 2016)

For the Petitioner/s : Mr. Bhaskar Shankar

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

(In Cr.Misc. No.2685 of 2016)

For the Petitioner/s : Mr. Bhaskar Shankar

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

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 29-01-2016 Both the above-said petitions arise out of Madanpur P.S. Case No. 127 of 2015 initially, registered under Sections-307 and other minor sections of the Indian Penal Code and later on, Section-302 of the Indian Penal Code was also added and accordingly, both the above-said petitions are being heard and

disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

According to prosecution case itself, the alleged occurrence took place, when the informant got raising his boundary wall and it is alleged that petitioners and other FIR named accused, being armed with Lathi and sword, assaulted the informant and others, as a result of which, the informant and his associates sustained injuries and in course of treatment, one injured, namely, Yogesh Pal died and accordingly, present case was converted into under Section-302 of the Indian Penal Code.

Submission on behalf of petitioners is that there was a free fight between the parties on account of land dispute and as a matter of fact, petitioners and some others also sustained injury in the alleged occurrence and the petitioner No. 1 of Cr. Misc. No. 2589 of 2016 lodged Madanpur P.S. Case No. 128 of 2015 against the prosecution party. It is further contended by him that no doubt, one person died in the alleged occurrence but petitioners, too, sustained injury and the prosecution party has not given any explanation regarding the injuries of the petitioners and others.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioners

named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Madanpur P.S. Case No. 127 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad.

(Hemant Kumar Srivastava, J)

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