

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5948 of 2016

Arising Out of PS.Case No. -501 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

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1. Kumod Yadav @ Kumod Kr Yadav Son of Late Jagdish Yadav resident of Village-Bela Rikabganj, P.S. K. Nagar District Purnea.
 2. Rajesh Yadav @ Rajesh Kr. Yadav Son of Om Narayan Yadav resident of Village Bela Rikabganj, P.S. K. Nagar, District Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 06-04-2016

Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

The petitioners seek bail in a case for the offences punishable under section 302/34 of the Indian Penal Code.

Allegedly, co-accused Nand Lal Mehta assaulted the father of the informant with iron rod on his head resulting he became injured and fell down and then the petitioners Kumod Yadav and Rajesh Yadav also came being armed with iron rod and all assaulted with iron rod to the father of the informant and locked the father of the informant in the shop. However, the father of the informant was taken out and during treatment at Sadar Hospital, Purnea, he died. The motive behind the occurrence is

said to be land dispute.

Submission is of false implication and that due to land dispute, the petitioners have been implicated, it was Nand Lal Mehta, who assaulted the father of the informant resulting he fell down, in this case, Nand Lal Mehta has been refused bail but Sikandar Mehta has been allowed bail vide Cr. Misc. No.11934 of 2016 by another Co-ordinate Bench of this Court and as such, the petitioners also deserve sympathetic consideration to which the learned A.P.P. opposes by submitting that fracture of parietal bone was found.

In the facts and circumstances stated above, considering that against the petitioners, there is general and omnibus allegation, specific allegation is against co-accused Nald Lal Mehta and as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No.501 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive

dates on their part without any reason shall disentitle the
petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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