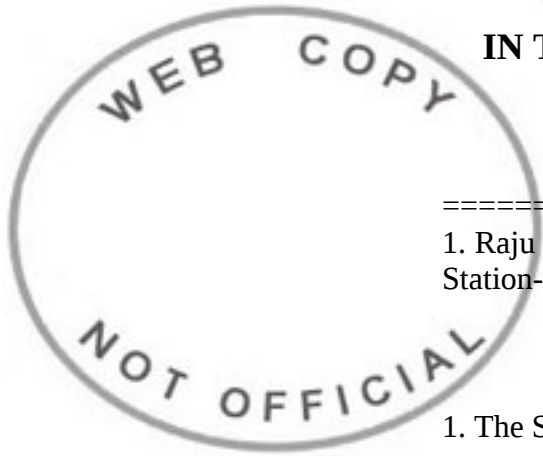




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26593 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

=====

1. Raju Yadav son of Rajendra Yadav, Resident of village- Bhagana, Police
Station-Sathi, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.50559 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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1. Sitaram Kushwaha son of Baccha Kushwaha
2. Baleshwar Sah son of Late Mangani Sah
3. Prabhu Sah son of late Mangani Sah
4. Baliram Sah son of Late Mangani Sah
5. Manoj Sah son of Baliram Sah
6. Lal Krishna Kushwaha S/o Sitaram Kushwaha
7. Sudama Kushwaha S/o Late Ramrup Kushwaha
8. Rambhajan Yadav S/o Sitaram Yadav
9. Nipu Yadav S/o Ram Bhajan Yadav
10. Shambhu Yadav S/o Late Kailash Yadav
11. Gandhi Yadav S/O Sitaram Yadav
All resident of Village Bhagawna, Police Station Sathi, District West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.26593 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Singh

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

(In Cr.Misc. No.50559 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN

SHARMA
ORAL ORDER

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05-01-2016

Both the Criminal Miscellaneous arise out of the same occurrence and as such both have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P. as also the learned counsel for the informant.

The petitioners seek bail in a case for the offences punishable under sections 323, 302 and 506 of the I.P.C and section 27 of the Arms Act.

Allegedly, for withdrawing the case the petitioners had caused threats and on the date of occurrence the accused persons surrounded the husband of the informant, the petitioner Sudama Kushwaha caught and turned down the hand of husband of the informant and petitioner Sitaram Kushwaha caught the collar of shirt from the neck and on the order of petitioner Gandhi Yadav, the petitioner Raju Yadav fired on the head of husband of the informant from the country made gun resulting the husband of the informant fell down on earth and ultimately died.

Submission is of false implication due to land dispute, there is case and counter case, the murderous attack was made on the petitioner Raju Yadav but it was mere chance that the petitioner Raju Yadav did not die and Bishwanath Yadav received

gun shot injury mistakenly. The postmortem report does not substantiate the prosecution version and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that all the petitioners who are members of unlawful assembly coming with common object committed the murder of husband of the informant and as such they do not deserve bail.

In the facts and circumstances as stated above, considering that petitioner Raju Yadav (in Cr. Misc. No. 26593 of 2015) is only the assailant and as such his prayer for bail stands rejected, but considering that admittedly there is land dispute and there is case and counter case and as such the petitioners of Cr. Misc. No. 50559 of 2015 are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri B. Shukla, J.M. 1st Class, Bettiah, West Champaran in Sathi P.S. Case No. 04 of 2015, subject to the conditions that one of the bailors must be a 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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