

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42534 of 2016

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1. Rajeshwar Yadav, S/o- Ramdeo Yadav.
2. Ramdeo Yadav, S/o- Late Laxmi Yadav. Both are Residents of Village-
Barhi Tara Tola, P.S.- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-10-2016

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

It would appear from perusal of the fardbeyan of the
informant that construction work of a road was going on and
prosecution party was clearing the land of petitioners so that the
above stated road could be constructed on the aforesaid land. The
deceased claimed that the aforesaid land was public property
where upon petitioners made protest upon which an altercation
took place between the parties and in that course, petitioner no. 2
ordered the others to assault the deceased and, thereafter co-
accused Indra Kumar Yadav started assaulting the deceased by
means of sword. When injured Shiv Kumar Yadav and Rambilash
Yadav came to rescue of the deceased, the aforesaid co-accused
Indra Kumar Yadav and petitioner no. 1 are said to have assaulted

them by sword and bhala.

Submission on behalf of the petitioners is that according to the prosecution case itself, it was co-accused Indra Kumar Yadav, who assaulted the deceased and so far as petitioner no. 2 is concerned, he appears to be an order giver whereas petitioner no. 1 is said to have assaulted the injured persons of this case.

On the other hand, learned counsel appearing for the informant submits that in course of investigation, when further statement of informant was recorded, the informant very clearly stated that petitioner no. 2 also assaulted the deceased by means of Bhala.

Considering the aforesaid facts and circumstances as well as submissions of the parties, and also taking note of this fact that investigation against these petitioners has already been completed, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Madhubani in connection with Jainagar P.S.case No. 76 of 2016/ G.R.No. 709 of 2016.

(Hemant Kumar Srivastava, J)

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