

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45354 of 2016

Arising Out of PS.Case No. -418 Year- 2015 Thana -BANKA District- BANKA

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1. Kartik Yadav S/o Late Faudi Yadav
 2. Arti Devi wife of Kartik Yadav both residents of village - Gurmi Bathan, P.S. - Banka, Distt. Banka.
 3. Rajesh Yadav S/o Ritlal Yadav
 4. Kavita Devi W/o Rajesh Yadav both residents of village - Gauripur, P.S. - Banka, Distt. Banka, at present resident of village Gurmi Bathan, P.S. - Banka, Distt. Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioners as well as the
A.P.P. for the State.

This application is for grant of anticipatory bail for the
offence under Sections 341, 323, 379, 504/34 IPC as well as
Section 304 IPC.

It has been submitted on behalf of the petitioners that
there is a simple case of ‘marpit’ between the parties due to land
dispute, initially the case had been lodged under Section 323, 379
and 34 IPC, later on Section 302 IPC was added, the charge sheet
has been submitted under Section 341, 323, 325, 504/34 IPC and
the cognizance has been taken under Sections 341, 323, 325, 504,



304/34 IPC. It has also been submitted that from the injury report, it appears that the deceased died after 10-20 days of the occurrence due to cardiac arrest and respiratory failure, as such no case arises under Section 304 of the IPC.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts as stated above as well as in view of the facts that the charge sheet has been submitted under Sections 341, 323, 325, 504/34 IPC, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks, 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 CJM, Baka in connection with Banka P.S. Case No.418 of 2015, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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