

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38759 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -BELAGANJ District- GAYA

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1. Nandu Yadav,
2. Karu Yadav, both sons of Ram Saran Yadav,
3. Binod Yadav, Son of Sarjun Yadav, All resident of Village- Kabirpur,
P.S. Belaganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lilawati Singh, Advocate.
For the Opposite Party/s : Mr. Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 23-09-2016 Learned counsel for the petitioners submits that petitioner no. 1, Nandu Yadav, has been arrested by the police so he seeks permission to withdraw this application in respect to him.

In view of the submission, this application is dismissed as withdrawn in respect to petitioner no. 1, Nandu Yadav.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 139 of 2016 registered under Sections 147, 148, 149, 323, 324, 325, 326, 307 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that six persons named in the F.I.R. including the petitioners caught hold Jitendra Yadav, younger brother

of informant Bineshwar Yadav and started to cause assault through lathi, khanti and iron road. In the meantime, Chandresh Yadav shot fire at his brother but the same was missed, thereupon, he again fired which hit at the left sole of the deceased.

Learned counsel for the petitioners submits that admittedly petitioner nos. 2 and 3 are agnates of the informant and due to land dispute petitioner nos. 2 and 3 have falsely been implicated in this case without any specific overt act. It is further submitted that petitioner nos. 2 and 3 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 2 and 3 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Belaganj P.S. Case No. 139 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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