

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5672 of 2016

Arising Out of PS.Case No. -148 Year- 2014 Thana -KHAIRA District- JAMUI

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1. Mukesh Yadav
2. Suresh Yadav, both sons of Permashwar Yadav, resident of village-
Neem Nawada, P.s.- Khaira, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh
For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-02-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Khaira P.S.
Case No. 148 of 2014 registered for the offences punishable under
Sections 341, 323, 324, 307 and 354/34 of the Indian Penal Code.

Allegedly, in the occurrence the petitioner Mukesh
Yadav assaulted the informant with *Farsa* which hit forehead and
the petitioner Suresh Yadav assaulted with spade on his both legs
causing cut injury and thereafter co-accused Permashwar Yadav
assaulted with lathi on his body and fractured the right hand and
when Sanju Devi, the wife of the informant came for rescue, she
was also assaulted by all the accused persons.



Submission is of false implication and that due to land dispute, the occurrence has taken place at the spur of moment. There was no intention to commit murder, there was no intervening circumstance, injury no. 1 for which the petitioner Mukesh Yadav is responsible, is found simple in nature and further injury nos. 2, 5 and 6 are also simple in nature which are on the person of the informant and on the person of Sanju Devi also injury nos. 2 and 3 are simple and, as such, the petitioners who are suffering in custody since 27.10.2015, deserve sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Jamui in connection with Khaira P.S. Case No. 148 of 2014 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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