

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58590 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -NAUHATTA District- SAHARSA

1. Kito Yadav @ Krit Narain Yadav @ Krit,
2. Dewan Yadav, Both Sons of Fuleshwar Yadav,
3. Rajesh Yadav @ Rajesh Kumar Yadav, Son of Kito Yadav @ Krit
Narain Yadav @ Krit, All are residents of village - Purshotampur, P.S. -
Nauhatta, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Gulnar Begum (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 26-02-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. representing the
State.

Petitioners seek bail in connection with Nauhatta P.S.
Case No. 123 of 2015 registered for the offences punishable under
Sections 147, 149, 341, 342, 323, 324, 307, 379 and 302 of the
Indian Penal Code.

Allegedly, Soman Mukhiya, the son of the informant
was assaulted by the petitioners and other co-accused brutally and
amount of Rs. 20,000/- was also snatched and during treatment
Soman Mukhiya died in P.M.C.H..

Submission is of false implication and that the informant is not an eye witness of the occurrence, eye witness vide para 13 and 14 have stated that Kundan Yadav, the driver assaulted Soman Mukhiya with rod on his head and other co-accused were assaulting with fists and slaps and, as such, the petitioners are not the assailant and they deserve sympathetic consideration as they are suffering in custody since 20.09.2015 and 05.10.2015.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners and all other accused persons have assaulted the son of the informant and, as such, the petitioners do not deserve sympathetic consideration.

In the facts and circumstances stated above, considering that during investigation specific allegation has been attributed against Kundan Yadav and not against the petitioners 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., Saharsa in connection with Nauhatta P.S. Case No. 123 of 2015 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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