

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50068 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -BELAGANJ District- GAYA

- =====
1. Dinesh Yadav
 2. Uday Yadav, Both Sons of Late Baleshwar Yadav,
 3. Mukesh Yadav,
 4. Rajesh Yadav, Both Sons of Uday Yadav,
 5. Shikha Devi, W/o Uday Yadav,
 6. Babi Devi, W/o Dinesh Yadav, All R/o Village. - Netupur, P.S. - Belaganj, District - Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.51990 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -BELAGANJ District- GAYA

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Pandit Yadav @ Mantosh Kumar son of Late Baleshwar Yadav, resident of village- Netupur, P.S.- Belaganj, District- Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.50068 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

(In Cr.Misc. No.51990 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 09-02-2016 Since both the cases arise out of Belaganj P.S. Case No.160 of 2015, they have been heard together and are being disposed of by this common order.

The petitioners are apprehending their arrest in connection with Belaganj P.S. Case No.160 of 2015 for the offences instituted under Sections 447, 448, 341, 323, 337 and 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that one Lala Yadav, the informant of this case, has written the fardbeyan, against the petitioners and others on 26.8.2015 regarding at 6 a.m. the younger brother namely Dinesh Yadav, was drinking the liquor and started abusing petitioners and other. In the meanwhile, both of them started throwing stones on each other. The reason behind the occurrence was of having five brothers and they have not got their share in the property.

It is submitted on behalf of the petitioners that the petitioners have no criminal antecedent. From perusal of the F.I.R. itself, it is evidence that the alleged occurrence had taken place due to land dispute between the parties. In course of the altercation brick batting took place which hit the deceased. It is submitted that it is a case and best under Section 304 I.P.C. and no offence under Section 302 I.P.C. is made out. No specific injury has been attributed. General and omnibus allegation has been made.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, in connection with Belaganj P.S. Case No.160 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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