

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55544 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -JADOPUR District- GOPALGANJ

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1. Ram Ratan Yadav @ Ramratan Yadav, son of Bali Yadav
 2. Ram Pravesh Yadav @ Rampravesh Yadav, son of Bali Yadav
 3. Shivjee Yadav @ Shiwji Yadav, son of Bikrama Yadav
- All are resident of village- Bagaha P.S.- Jadopur, Dist.- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioners and the

learned APP for the State.

The petitioner is languishing in jail custody since 06.10.2015 in connection with Jadopur P.S. Case No. 62/14 for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 504, and 506 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The prosecution case is that on 15.06.2014 a Barat party had come at the house of Harkesh Thakur in which at the time of Dwar-puja an altercation took place between Rambabu and one Rajesh. Thereafter, father of Rajesh, namely, Bali Yadav started assaulting Rambabu. Father of the informant Raja Yadav



made protest on which Bali Yadav left giving threatening to his father. It is further alleged that on the same day at 8.30 P.M. father of the informant was returning home after attending the Barat and in course thereof when he reached near the house of Sudama Yadav, the three petitioners together with other named accused persons, who were there from before, attacked on him with *lath*, *danda*. Accused Bikrama Yadav gave order to assault his father till death on which nine accused persons including the petitioners with intention to kill him brutally assaulted him with *lathi* and *danda* causing injury on different parts of the body whereafter he started vomiting blood. When his brother Dhruv Yadav rushed to rescue him, the accused persons went away supposing his father to be dead.

It has been submitted by the counsel for the petitioners that there is omnibus and general allegation of assault against all the accused persons. It has further been submitted that although the date of occurrence is said to be 15.06.2014 but the First Information Report was lodged on 20.06.2014 after much delay. Furthermore, the learned counsel for the petitioners states that similarly situated other accused persons with similar allegations have already been granted the privilege of bail by Co-Ordinate Bench of this Court under orders dated 19.08.2015,

03.09.2015 and 15.09.2015 passed in Cr. Misc. Nos. 34931 of 2015, 12427 of 2015 and 41740 of 2015 respectively (Annexure-2 series). I do not propose to take a different view of same and similar allegations.

Learned Additional Public Prosecutor, however, submits that although there is no specific allegation of assault by these petitioners but they are named in the First Information Report.

Under such circumstances, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Gopalganj, in connection with Jadopur P.S. Case No. 62/14.

(Nilu Agrawal, J)

Rajesh/-

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