

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55537 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -DANDARI District- BEGUSARAI

=====

Sogarath Yadav, Son of Sita Ram Yadav, Resident of village - Bishunur,
Police Station - Damdari, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-01-2016 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is languishing in custody since
09.09.2015 in connection with Dandari P.S. Case No. 18/15 for
the offences alleged under Sections 147, 148, 149, 341, 323, 354,
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 the informant Laxmi
Devi filed a written report before the Officer-in-Charge of Dandari
Police Station that on 03.04.2015 at about 9.00 P.M. she along
with her husband Chandra Bhushan Singh @ Jato Singh and
Dewar Subhash Singh went to the wheat field for cutting the
wheat crops. As soon as they reached the field they saw 8 named



accused persons armed with lathi, who stopped them and asked them to leave the field. On refusal, the accused persons brutally assaulted her husband and Dewar with lathi with a view to kill them. On her interception informant was also assaulted. Her husband and Dewar sustained head injury and fell on the ground unconscious. On hulla villagers gathered and the accused persons fled away.

It has been submitted by the counsel for the petitioner that he is not named in the First Information Report and during course of investigation the witnesses disclosed the name of the petitioner and some others. It has further been submitted that the other accused persons, who were named by the witnesses, have since been granted the privilege of bail vide order dated 13.08.2015, passed in Cr. Misc. No. 31594 of 2015 and 17.09.2015, passed in Cr. Misc. No. 42601 of 2015.

On the other hand, learned APP opposed the prayer for bail and submitted that besides the witnesses the injured Subhash Singh also named this petitioner as one of the assailants but on perusal of the record it appears that the informant herself was an eye-witness to the occurrence and has also sustained injury on account of the assault made by the 8 named accused persons.

Since the petitioner is not named in the First

Information Report and has got no criminal antecedent, as stated in paragraph 3 of this petition and petitioner and the informant side are co-villagers and there is a land dispute (Mutation Appeal bearing Case No. 03/15, pending in the court of DCLR, Balia) and that the Co-ordinate Bench of this Court has granted the privilege of bail to other co-accused not named in the First Information Report and placed on similar circumstance, the petitioner, namely, Sogarath Yadav is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Dandari P.S. Case No. 18/15.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--