

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36093 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -KATEYA District- GOPALGANJ

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1. Hare Ram Yadav son of late Jokhu Yadav
2. Balmiki Yadav son of lae Jokhu Yadav, both resident of village Khadhi
Bazar, P.S. Kateya, District Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-10-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek bail in Kateya P.S. case No.87 of 2016 instituted for the offence under Sections 341, 323, 325, 506 and 302/34 of the Indian Penal Code, pending in the court of Sri Vivek Kumar Singh, Judicial Magistrate, 1st class, Gopalganj.

Allegation is that the accused persons including the petitioners came and assaulted the informant's husband with pieces of wooden, due to which her husband became injured and fell down. In fallen condition petitioner no.2 pressed his leg on the chest and abdomen of her husband, resulting his death.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 4.5.2016 and the charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent. There is no allegation of tampering of

witnesses alleged against the petitioners. As far as the petitioner no.1 is concerned, he is alleged to have caused injury on the chest of the deceased. As far as petitioner no.2 is concerned, general and omnibus allegation has been made. The similarly situated as that of petitioner no.2 has been granted anticipatory bail vide Cr.Misc.No.43261 of 2016.

On behalf of the State, it is submitted that the specific allegation has been made against the petitioner no.1 for causing fatal injury on the chest of the deceased. The postmortem also supports the allegations made in the F.I.R. as far as the petitioner no.1 is concerned.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner no.1. The prayer for bail of petitioner no.1 is rejected.

So far as the petitioner no.2 is concerned, it is directed that the petitioner no.2 above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Vivek Kumar Singh, Judicial Magistrate, 1st class, Gopalganj in connection with Kateya P.S. case No.87 of 2016.

(Sudhir Singh, J)

Narendra/-

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