

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44473 of 2016

Arising Out of PS.Case No. -165 Year- 2016 Thana -TARAIYA District- SARAN

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Ravindra Kumar Yadav @ Ravindra Rai, Son of Ram Kishun Rai, resident of Village- Belhari Faridpura, Police Station- Taraiya, District- Saran (Chapra), Permanent resident of Village- Jagatpur Tarwara, P.O.- Telchha, Police Station- Janta Bazar, District- Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party/s : Mr. Sri Nand Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-10-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Taraiya P.S. Case No. 165 of 2016 registered under Section 302/34 of the Indian Penal Code.

The accusation is that, on 26.06.2016, Dhiraj Kumar Yadav, son of the informant, had gone to bus stand to seat of his sister-in-law on a bus. In course of returning of Dhiraj Yadav from bus stand to house, five persons named in the F.I.R. including the petitioner surrounded him and caused injury and threw him and spread a rumour in the village that Dhiraj Kumar Yadav met in an accident. Thereafter, informant along with his family went there and saw that his son was lying in unconscious condition and he was rushed to Rajeshwar Hospital, Patna, from

where, he was referred to P.M.C.H., Patna, for better treatment, where he died in course of treatment.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the occurrence is said to be of 26.06.2016 but the F.I.R. has been lodged on 11.07.2016 after twenty days without any explanation of delay. It is further submitted that, in fact, Dhiraj Kumar Yadav, son of the informant, died in course of treatment due to injury sustained in the road accident but due to land dispute the petitioner and his family members have falsely been implicated in this case. It is further submitted that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Chapra, District Saran, in connection with Taraiya P.S. Case No. 165 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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