

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24553 of 2016

Arising Out of PS.Case No. -544 Year- 2015 Thana -BARACHATTI District- GAYA

1. Kirtu Yadav, S/o Bandhu Yadav.
2. Vijay Yadav, S/o Late Narain Yadav. Both residents of village- Khardih,
P.S. Mohanpur, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Shashi Bhushan Kumar –Manglam,
Advocate.

For the State : Mr. Choubey Jawahar, A.P.P.

For the Informant : Mr. Binod Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 07-09-2016 Heard learned counsels for the petitioners, informant
and learned counsel for the State.

The petitioners are languishing in custody since
18.12.2015 in connection with Barachatti (Mohanpur) P.S. Case
No. 544 of 2015 for the offences instituted under Sections 147,
149, 448, 341, 323, 325, 307, 302, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 12.12.2015, the
villagers of the informant abused the informant near his house for
tending the cattle and suddenly when the informant was not in his
house then the petitioners including FIR named accused entered in
the house and started assaulting with an intent to kill him having
Pistol, Rifle, Tangi and Lathi and when he knew this incident, then

the informant saw his father lying in unconscious condition in the house and found his father seriously injured. It is further alleged that the wife of the informant, Dulariya Devi, Muneshwar Yadav, Briju Yadav, Narayan Yadav, Sushila Devi and Malva Devi were also assaulted by the accused and younger brother of Birju Yadav took out Rs. 20,000/- and fled away. All injured persons were taken to P.H.C. with the help of the villagers where the father of the informant, Ganauri Yadav, died in course of treatment.

A show cause has been filed on behalf of the Senior Superintendent of Police, Gaya. The same is accepted.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 18.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. They have got no criminal antecedent. General and omnibus allegation has been made against the petitioners. No specific injury has been attributed against them. There is an admitted land dispute between the parties. It is a case and counter case between the parties.

On behalf of learned counsels for the informant and the State, it has been submitted that the petitioners are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the

petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 544 of 2015.

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(Sudhir Singh, J)