

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45430 of 2016

Arising Out of PS.Case No. -216 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Ramdeo Yadav Son of Late Naga Yadav
2. Santosh Yadav Son of Kodai Yadav Both are resident of village - Siswa
Bairagi, Police Station Yogapatti (Nawalpur), District - West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.45926 of 2016

Arising Out of PS.Case No. -216 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Dhanai Yadav son of Naga Yadav Resident of Village - Siswa Bairagi,
Police Station - Yogapatti (Nawalpur), District - West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.45430 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Smt. Veena Rani Prasadd.

(In Cr.Misc. No.45926 of 2016)

For the Petitioner/s : Mr. Makardhwaj Upadhyay

For the Opposite Party/s : Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 01-12-2016 Both the above stated petitions have arisen out of

Yogapatti (Nawalpur) P.S. Case No. 216 of 2016 registered for the

offences punishable under Section 302 and other allied sections of the Indian Penal Code and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The present occurrence appears to have taken place on account of land dispute and it is alleged that petitioners and other F.I.R. named accused assaulted the informant and others including deceased, Bhagirath Yadav but the written report of informant goes to show that petitioners in Cr. Misc. No. 45430 of 2016 did not touch even the body of the deceased and it is stated that they as well as other accused assaulted injured, Birjan Yadav and Jai Narayan Yadav by means of lathi and other weapons but in course of investigation, the statement of deceased was recorded at para-16 of the case diary and the deceased stated before the investigating officer that petitioner no. 1 of Cr. Misc. No. 45430 of 2016 gave lathi blow causing injury on his chest. The post mortem report of deceased goes to show that two ribs of the deceased were found broken.

So far as petitioner in Cr. Misc. No. 45926 of 2016 is concerned, it is alleged that he assaulted the informant by means

of farsa and submission on his behalf is that the informant sustained simple injury.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioners in Cr. Misc. No. 45430 of 2016, namely, Ramdeo Yadav and Santosh Yadav are directed to be released 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 216 of 2016.

So far as petitioner in Cr. Misc. No. 45926 of 2016, namely, Dhanai Yadav is concerned, his prayer for anticipatory bail stands rejected.

However, the above stated petitioner, namely, Dhanai Yadav should surrender before the court below within four weeks from the date of receipt/production of copy of this order and seek regular bail. It is made clear that if the aforesaid petitioner does so, the concerned lower court shall dispose of his regular bail application on its merit on the day of his surrender and after that if any regular bail petition is filed before the Sessions court, the concerned court shall consider the regular bail application of the aforesaid petitioner on its own merit without

being prejudiced by this order, particularly, keeping in mind that co-accused, Ramdeo Yadav and Santosh Yadav, having more or less similar allegation, have already been granted privilege of regular bail by this Court.

(Hemant Kumar Srivastava, J)

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