

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29306 of 2016

Arising Out of PS.Case No. -125 Year- 2016 Thana -KISHUNPUR District- SUPAUL

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1. Bijendra Prasad Yadav @ Bijendra Yadav S/o Late Ramadhin Yadav,
resident of village+P.O. Murli, P.S. Kisanpur, District-Supaul.

2. Budheshwar Yadav S/o Lalu Yadav, resident of village+P.O.Murli, P.S.
Kisanpur, District-Supaul

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nagendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Md. Sufiyan, (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2016 Supplementary affidavit has been filed on behalf of the

petitioners. Same be kept on record. The matter has been settled

between the parties vide Annexure-2 to the supplementary

affidavit.

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody in connection
with Kishanpur P.S. Case No. 125 of 2016 for the offences
instituted under Sections 147, 148, 149, 341, 323, 324, 307,
379,427, 504, 506 of the Indian Penal Code, Section 3/4 of the
Explosive Substance Act and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 29.05.2016 at
about 9.00 P.M., when the informant along with his father was



sitting in front of their house, the petitioner Budheshwar Yadav along with other co-accused under the leadership of Mahadev Yadav came at their house and hurled bomb and started raising slogans. It is further alleged that on the order of petitioner Bijendra Yadav to kill Rajeshwar, accused Nagendra Yadav with an intention to kill, gave farsha blow on the head of the father of the informant, causing head injury. It is also alleged that when the younger brother of the informant namely Navin Kumar and other neighbours tried to save his father, accused Nagendra Yadav assaulted Bedanand Yadav on his head with iron rod, due to which, he became unconscious and fell down on the ground. Thereafter accused Anil Yadav and Bhuwaneshwar Yadav started assaulting him brutally with rod, which inflicted injury to him on several parts of his body. It is further alleged that all the accused persons including these petitioners entered in the house of the informant and committed theft of Rs. 25,000/- and also destroyed furniture, which were kept there. Thereafter they fled away giving threatening to kill, in the event of filing any case.

It has been submitted on behalf of the petitioners that the petitioner is in custody since 30.05.2016. The charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent and there is no allegation of tampering of

witnesses alleged against the petitioner. The petitioner no.1 is order giver and the petitioner no.2 is said to have hurled bomb, in course of offence, causing injury to none.

On behalf of the State, it is submitted that the petitioner is named in the First Information Report.

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 Chief Judicial Magistrate, Supaul, in connection with Kishanpur P.S. Case No. 125 of 2016.

(Sudhir Singh, J.)

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