

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9378 of 2016

Arising Out of PS.Case No. -322 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Kailash Yadav, son of Late Jago Yadav,
2. Dinesh Yadav, son of Kailash Yadav, Both Resident of village-
Gosainbiga, P.S.- Noorsarai, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Md.Nazir Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 11-04-2016

Heard learned counsel for the petitioners and the learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Noorsarai P.S. Case No. 322 of 2015 registered under Sections 341,
323, 325, 307 and 379/34 of the Indian Penal Code.

The accusation of complainant/informant is that on
02.11.2015, he alongwith his nephew Rajesh Kumar was taking meal
in his house, then the , petitioners started to abuse him making false
allegation. At that time, petitioner Kailash Yadav, gave order to kill
them, on which, petitioner Dinesh Yadav gave lathi blow at the head
of complainant/informant. When Rajesh Kumar rushed to save him
then Dinesh Yadav gave repeated lathi blow to Rajesh Kumar.

Petitioner Kailash Yadav also assaulted to Rajesh Kumar through lathi causing injury on his left hand. At that time, petitioner Dinesh Yadav took the gold locket from Rajesh Kumar.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner no.1 Kailash Yadav and complainant/informant Barku Yadav are cousin brother and Rajesh Kumar is the son of the petitioner no. 1 and brother of petitioner no. 2 and due to family dispute petitioners have falsely been implicated in this case. It is further submitted that only one injury was found on the person of the informant which is simple in nature.

Considering the aforesaid submissions, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Noorsarai P.S. Case No. 322 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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