

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9740 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Raj Bansh Yadav, Son of Late Mahadeo Yadav,
 2. Rakesh Yadav, Son of Lal Barat Yadav, Both resident of Village-Dugauli, P.S. Chand, District- Kaimur (Bhabua).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Viveka Nand Singh, Advocate

For the Opposite Party : Mr. Raj Ballabh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-04-2016 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioners seek bail in connection with Chand P.S Case No. 119 of 2015 registered for the offences punishable under Sections 147, 148, 149, 324, 326, 307, 504, 506 and later on Section 302 of the Indian Penal Code and Section 27 of the Arms Act added.

Allegedly, due to land dispute the petitioner and other First Information Report named accused persons came, started abusing and at the instigation of co-accused Vijay Yadav, Akhilesh Yadav, Sudershan Yadav, Rakesh Yadav, Gulcharan Yadav, Dinesh Yadav and Ajay Yadav opened fire with gun,

causing fire arm injury to Jitendra Yadav, Ram Chandra Yadav and Sahdei Devi thereafter, the petitioners and co-accused Vijay Yadav, Lalbart Yadav, Jiyu Yadav and Jitendra Yadav have assaulted with Garasa, Ballam, Khanti causing injury to Lalta Yadav, Mahendra Yadav and Vijay Yadav and further they also assaulted Jitendra Yadav with khanti.

Submission is of false implication and that injured Ram Chandra Yadav has received firearm injuries and his cause of death has also been noticed due to septicemia and shock due to firearm injury of brain and as such the petitioners suffering in custody since 26.12.2015 and 31.12.2015 respectively deserve sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes.

In the facts and circumstances stated above and considering that the petitioners are not the assailant of the deceased and as such, they are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur arising out of Chand P.S. Case No. 119 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned

and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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