

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34883 of 2016

Arising out of P.S. Case No. - 415 Year - 2015 Thana - BAHERA District - DARBHANGA

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1. Rudal Yadav, Son of Sh. Lal Bujhakar Yadav
 2. Lalit Yadav, Son of Sh. Opi Yadav
 3. Ram Bahadur Yadav @ Bahadur Yadav, Son of Late Sunnar Yadav, All resident of Village - Vishwanathpur Fardaha, P.S. - Bahera, District - Darbhanga

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party : Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-10-2016

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

The petitioners are languishing in custody since 25.01.2016 in connection with Sessions Trial No. 168 of 2016 arising out of Bahera P.S. Case No. 415 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 342, 323, 324, 302 and 120(B) of the Indian Penal Code.

The prosecution story, in brief, is that the petitioners and other named co-accused persons came variously armed and surrounded the husband of the informant. The petitioner no. 2 assaulted with Tarchhebi while petitioner no. 3 assaulted with Farsa as a result of which the husband of the informant fell down but in spite of that all accused persons kept on beating him. After

ensuring that the husband of the informant died the petitioner no. 1 said to flee away.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 25.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to previous enmity. General and omnibus allegation has been made against the petitioners.

On behalf of the State and the counsel for the informant, it is submitted that the specific allegation has been made against the petitioner nos. 2 and 3, namely, Lalit Yadav and Ram Bahadur Yadav @ Bahadur Yadav respectively along with other co-accused Santosh Yadav and Amit Yadav. As far as petitioner no. 1 Rudal Yadav is concerned, there is no injury attributed against him.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, namely, Rudal Yadav, be released on bail on furnishing bail bond of Rs.10,000/- (The Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Benipur, Darbhanga in connection with Sessions Trial No. 168 of 2016 arising out of Bahera P.S.

Case No. 415 of 2015.

As far as petitioner no. 2 (Lalit Yadav) and petitioner no. 3 (Ram Bahadur Yadav @ Bahadur Yadav) are concerned, I am not inclined to grant bail. The same is rejected in the aforesaid case. The trial court is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

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