

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51352 of 2015

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1. Upendra Yadav @ Upendra Prasad Yadav, son of Late Tarni Yadav
 2. Mukesh Yadav, son of Late Azad Yadav
 3. Rakesh Yadav, son of Late Azad Yadav
 4. Mukesh Yadav, son of Shri Prasad Yadav All are resident of village- Situaha, P.S.- Salkhua, District- Saharsa.
 5. Bhumi Yadav, son of Late Ram Sogarath Yadav
 6. Bindo Yadav, son of Late Ram Sogarath Yadav
 7. Uttimlal Yadav, son of Late Ram Sogarath Yadav
 8. Satya Narayan Yadav, son of Late Ram Sogarath Yadav
 9. Dhananjay Yadav, son of Bhumi Yadav,
 10. Sanjay Yadav, son of Bhumi Yadav, All (5 to 10) are resident of village- Salkhua, P.S.- Salkhua, District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate

For the Opposite Party : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-03-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Salkhua P.S. Case No. 39 of 2008 for the offences instituted under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code.

As per prosecution case that the informant and his brother Jogat Yadav was coming with grass for feeding the cattle in the meantime all the accused persons suddenly came with



various arms on the order of Upendra Yadav and Jajuri Yadav, Bhumi Yadav shot fire resulting death of Joyat Yadav. The informant and other persons have seen in the light of generator and after that an order of Mukesh, Binod, Ramratan Yadav shot fire to Dinesh Yadav with country made pistol, Dinesh Yadav fell down and sustain injury thereafter all the accused persons started indiscriminate firing.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is admitted enmity between the parties. The police after investigation submitted final form against the petitioners and the same was accepted by the court below. Thereafter, the said order was challenged before the Revisional Court. The Revisional Court had set aside the order of the court below, thereafter the court below had taken cognizance against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts that the police in course of investigation has found the allegations to be false against the petitioners, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with

Salkhua P.S. Case No. 39 of 2008 (G.R.No.412 of 2008) 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 Judicial Magistrate, Ist Class, Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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