

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54119 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Suman Yadav Son of Shri Ramesh Yadav, R/o Village- Padrauna, P.S.-
Lauriya, District- West Champaran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

02 13-12-2017

Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State.

The petitioner seeks bail in Lauriya P.S. Case
No.172 of 2017 registered under Section 147, 148, 149, 341, 323,
307, 302 and 506 of the Indian Penal Code.

As per the prosecution case, co-accused Shambhu
Yadav is said to have assaulted on the head of the deceased-Jhulan
Yadav and on falling down the petitioner and other accused
persons assaulted him by means of lathi and bamboo, while
petitioner Suman Yadav assaulted Nibha Kumari by means of rod.

It is submitted by learned counsel for the petitioner
that he does not happen to be assailant of the deceased as the
inquest report and the postmortem report shows only one injury on
the person of the deceased i.e. on the head and the said injury is



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opined to be cause of the death and the said injury is attributed to the Shambhu Yadav and not against the petitioner. Nibha Kumari also is said to have been assaulted by the petitioner has sustained simple injury. The petitioner has been falsely implicated in this case by the informant to save his skin from Lauriya P.S. Case No.167 of 2017. The petitioner has been languishing in custody since 28.08.2017.

On the other hand, it is submitted by learned counsel for the informant that the petitioner and other accused persons have assaulted the deceased resulting into his death.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Bettiah, West Champaran in connection with Lauriya P.S. Case No.172 of 2017.

(Prakash Chandra Jaiswal, J)

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