

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15729 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -BHIMPUR District- SUPAUL

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1. Binod Yadav, Son of Mahendra Yadav,
2. Mahendra Yadav, Son of Late Mishri Lal Yadav, Both Resident of
village - Jibachhpur, P.S. Bhimpur, District – Supaul Petitioners
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 26-04-2017 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Bhimpur
P.S. Case No. 07 of 2017 registered for the offences punishable
under Sections 341, 323, 325, 307, 506, 354B and 379/34 of the
Indian Penal Code.

Allegedly, when the informant was cooking at about
9.00 A.M. on 22.02.2017, the petitioner No. 1 came and caught
her and tried to rape her, resulting, she raised alarm and then the
petitioner No. 2 came and gave order to kill her and then the
petitioner No. 1 gave lathi blow on her head which was saved
through hand, resulting fracture of her right hand and then both
snatched chain and Payal.

Submission is of false implication and that the



petitioners have been roped in this case due to previous enmity. The petitioners are own Pattidar and there is land dispute with the informant and her husband. No such occurrence has taken place and only with false allegation the First Information Report has been lodged. The petitioners are in custody since 23.02.2017 and, as such, now they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances as stated above, considering the land dispute between the parties, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Supaul in connection with Bhimpur P.S. Case No. 07 of 2017, 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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