

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14029 of 2017

Arising Out of PS.Case No. -607 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Bhanu Yadav, son of Late Yogi Yadav, resident of Village - Jaisinghpur
Chilraw, P.S. Turkauliya, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 06.02.2016
in connection with Turkauliya P.S. Case No. 607 of 2015 for the
offences instituted under Sections 147, 148, 149, 341, 323, 325,
307, 379, 504 and 506 of the IPC. Later on Section 302 of the IPC
was also added.

The prosecution case, in short, is that on the alleged date
and time of occurrence, while the informant was sitting at his door
along with his brother, his pattidars Bhanu Yadav(petitioner),
Chandradeo Yadav came there and started abusing the informant.
When the informant's brother objected, then on the order of the



petitioner, other accused persons, who were armed with lathi, danda and iron rod, started assaulting the informant's brother and thereafter the petitioner had given bamboo blow on the head of the informant's brother causing his head injury. The accused Chathu Rai had taken Rs. 6000/- and a mobile phone from the pocket of the informant. The informant had taken his brother to Sadar Hospital for treatment.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 29463 of 2016 dated 06.09.2016 with an observation 'at this stage'.

A report was called for from the court below regarding the stage of the case. It has been reported that the charge has been framed.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.02.2016 for more than one year. He has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. Due to property dispute, the alleged occurrence is said to have taken place. There is allegation of giving a single blow on the deceased. There is no allegation of repetition. Hence, there is no intention for committing the murder. It is, at best, a case for the offence under Section 304 Part-II of the I.P.C.



On behalf of learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. and he is the main assailant of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner above named be released 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 12th Additional District & Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No. 190 of 2016, arising out of Turkauliya P.S. Case No. 607 of 2015.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

