

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48932 of 2016

Arising Out of PS.Case No. -10 Year- 2015 Thana -KURSELA District- KATIHAR

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1. Sarvan Yadav Son of Sabuli Yadav, residents of Village- Chukti, Police Station- Mansi, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 09-02-2017 Heard learned counsel for the petitioner as well as learned APP for the State.

Munni Lal Yadav, father-in-law of deceased Bulbul Yadav gave his Fard-e-beyan disclosing therein that on the same day at about 7:45 AM while he was at his house, his son-in-law, Bulbul Yadav was brought in a Commander Jeep bearing Registration No. BR34P 0946 along with Dablu Yadav, Bablu Yadav and Sarvan Yadav, petitioner disclosing that during midst of way, Bulbul fell down as a result of which sustained injury on his head and became injured. His son, Gajendra Pd.Yadav took his son-in-law to the clinic of Dr. Binod Ram and then to Bhagalpur. During midst thereof, his son-in-law died.

It has further been disclosed that he came to know that on account of some sort of rivalry over transportation of papers



from the press, his son-in-law was assaulted by Dablu, Bablu and Sarvan, driver by the iron rod and then was brought to his place. It has also been narrated that the accused persons left the vehicle bearing Registration No. BR34P 0946 at his place.

After concluding investigation police report was submitted in terms of Section 173 CrPC whereunder Dablu and Bablu were not sent up, on the other hand, petitioner, Sarvan Yadav was charge-sheeted for an offence punishable under Sections 279, 304A of the IPC. It is further evident from order dated 03.09.2016 that learned ACJM-3rd Katihar did not accede to the finding recorded by the police and took cognizance for an offence punishable under Section 302 IPC only against the petitioner.

From postmortem report, it is evident that two external injuries were found out of one being on head and further after opening of the scalp, temporal bone was found fractured. Brain as well as maninges were found lacerated. Blood and blood clots were present which were sufficient for causing death.

Now coming to the status of the witnesses, it is evident that neither the informant nor his son is eyewitness to the occurrence. From para-60 onward of the case diary, the witnesses claiming themselves to be eyewitnesses were examined who have



categorically stated regarding sustaining of injuries by the deceased on fall from running jeep.

Consequent thereupon, petitioner, Sarvan Yadav is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Kursela PS Case No. 10/2015.

(Aditya Kumar Trivedi, J)

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