

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1113 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -KATEYA District- GOPALGANJ

Pradip Yadav, Son of Raj Kishor Yadav, Resident of Village- Amahi Banke, P.S.- Kateya, District- Gopalganj.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

with

Criminal Miscellaneous No.4254 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -KATEYA District- GOPALGANJ

1. Chhotelal Yadav, son of Late Ramjeet Yadav.
2. Sandesh Sah alias Bholi alias Bhola, son of Kamindar Sah.
Both are resident of village- Amahi Banke, Police Station-Kateya, District-Gopalganj.

.... Petitioners.

Versus

The State of Bihar.

.... Opposite Party.

Appearance :

(In Cr.Misc. No.1113 of 2017):

- For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate.
For the State : Mr. Sri Mithilesh Kumar Khare, A.P.P.
For the Informant : Mr. Chandra Kant, Advocate.

(In Cr.Misc. No.4254 of 2017):

- For the Petitioners : Mr. Lokesh Kumar Singh, Advocate.
For the State : Mr. Sri Ram Anurag Singh, A.P.P.
For the Informant : Mr. Chandra Kant, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 01-03-2017 The petitioner(s) of the aforesaid applications seek bail

in connection with Kateya P.S. Case No.198 of 2016 registered

under Sections 147, 148, 149, 302 and 120-B of the Indian Penal



Code. Therefore, both the applications have been heard together and are being disposed of by this common order.

The accusation is that in the evening of 14.08.2016 at about 07.00 P.M., seven F.I.R. named accused including the petitioners assaulted Mukesh Ojha, the brother of the informant Pramod Ojha at canal in the village. Thereafter, when Mukesh Ojha, the brother of the informant, went to Sohanria market for treatment, then they came at the clinic of Babloo Yadav and hatching conspiracy called Mukesh Ojha, the brother of the informant, and ate meat in the night and, thereafter, they caused his death through knife and pressing his neck. Further allegation of the informant is that Mritunjay Yadav and Shaukat Ansari had also their hands in committing the murder of his brother Mukesh Ojha.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that the informant is not an eye witness to the occurrence. During the course of investigation, the witnesses, as examined, have not claimed to see the occurrence and also denied to see the occurrence of “Maar-Peet” rather they have stated that there was hot exchange of words between the petitioners and Mukesh Ojha, the brother of the informant, due to price of the fish, as demanded by the seller of



the fish. Further submission is that the petitioner Pradip Yadav (in Criminal Misc. No.1113 of 2017) is in custody since 16.08.2016 whereas the petitioners, namely, Chhotelal Yadav and Sandesh Sah alias Bholi alias Bhola (in Criminal Misc. No.4254 of 2017) are in custody since 25.10.2016.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XV, Gopalganj/Chief Judicial Magistrate, Gopalganj, in connection with Kateya P.S. Case No.198 of 2016.

(Rajendra Kumar Mishra, J)

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