

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2800 of 2018

Arising Out of PS.Case No. -132 Year- 2017 Thana -SAUR BAZAR District- SAHARSA

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1. Bindeshwari Yadav Son of Late Hiya Yadav
2. Jitendra Yadav Son of Bindeshwari Yadav Both residents of village -
Itehara Gamhariya, P.S. - Sour Bazar, District - Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 17-01-2018 Heard learned counsel for the petitioners and
the learned A.P.P. for the State.

Petitioners, in the present case, are seeking
regular bail in connection with Sour Bazar (Baijnathpur
O.P.) P.S. Case No. 132/2017 registered for the offence
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code, and they are in custody since 26.09.2017.

Learned counsel for the petitioners submits that
in the First Information Report itself, it is categorically
stated that the F.I.R. named accused persons holding
weapons in their hands attacked the victim and the name of
the persons who assaulted the victim Vikash Kumar has also
been disclosed. The specific allegation of assault is made
against the accused Subhan Miya, Islam Miya and Jabbar



Miya while it is alleged that the accused Madina Khatoon and Sunita Devi were catching hold of the deceased. It is because of those injuries caused by specifically named accused persons the brother of the informant died. It is his submission that so far as present petitioners are concerned, they have been falsely implicated showing them as the members of the mob.

On the other hand, learned counsel for the informant as well as learned Additional Public Prosecutor for the State submit that all the accused persons had attacked the victim.

Considering the facts and circumstances of the case particularly that the informant has specifically named the accused persons who have assaulted the victim and that there is no specific allegation of committing any overt act is there against the present petitioners and that the petitioners have got no criminal antecedent, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar (Baijnathpur O.P.) P.S. Case No. 132/2017,



subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, with further condition that the petitioners will cooperate in course of trial of the case, they will put their appearance before the trial court as and when required and shall not threaten the witnesses, and in case of two consecutive defaults in putting appearance before the trial court, without any plausible reason, the bail bond of the petitioners shall be cancelled.

(Rajeev Ranjan Prasad, J.)

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