

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65827 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- NARHATT District- Nawada

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1. Mukesh Yadav @ Mukesh Yaav, Son of Gajadhar Yadav, Resident of Village – Murhetachak, P.S. - Sitamarhi, District – Nawada.
 2. Gajadhar Yadav @ Gangadhar Jadav, Son of Late Budhai Yadav @ Butai Yadav, Resident of village – Murhetachak, P.S. - Sitamarhi, District – Nawada.
 3. Pintu Yadav @ Pintu Kumar, Son of Upendra Yadav, Resident of Village – Murhetachak, P.S.-Sitamarhi, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Narhat (Sitamarhi) P.S. Case no. 43 of 2018 registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

Petitioner no.1 Mukesh Yadav is said to have assaulted on the head of the informant by means of khanti while petitioner no.2 Gajadhar Yadav assaulted on the head of the wife of the informant by means of khanti. Mukesh Yadav and Pintu Yadav are said to have snatched golden chain of his wife while Pintu Yadav resorted firing by means of revolver.

It is submitted by learned counsel for the petitioners



that the petitioners are quite innocent. No such occurrence as alleged ever took place. They have been falsely implicated in the case. As a matter of fact, petitioners had lodged a case bearing Narhat (Sitamarhi) P.S. Case No. 42 of 2018 against the informant and others regarding assaulting the petitioners and others and in order to save his skin from the said case, informant has lodged this false and frivolous case against the petitioners and others subsequent thereto. Injury sustained by the informant and the victim is simple in nature. There is no repetition of blow. No one has sustained any fire arm injury. Hence no offence under Section 307 IPC is made out.

In the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Nawada in connection with Narhat (Sitamarhi) P.S. Case No. 43 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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