

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23161 of 2018

Arising Out of PS. Case No.-171 Year-2017 Thana- KATORIA District- Banka

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1. Supari Yadav @ Shupadi Yadav, S/o Late Dhanraj Yadav,
 2. Bandhu Yadav S/o Supari Yadav @ Shupadi Yadav, Both are R/o Vill.- Badladih, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners, already in custody, seek bail in connection with Katoria PS Case No.171 of 2017, registered under Sections 307, 379, 341, 323, 324, 427, 504, 34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

Allegation in brief is that on account of land dispute, petitioner no.1 is said to have given axe blow over the head of one Sukhdeo Yadav, the relative of the informant and others assaulted other persons causing injury to them.

Learned counsel for the petitioners submits that admittedly there is land dispute and case and counter case between both sides and the petitioner no.1 is the own brother of the informant and allegation against him is of giving axe blow over the head of Sukhdeo Yadav and the injury on the person of the



deceased is two lacerated wounds and there is no allegation against petitioner no.2 of assaulting the deceased and both petitioners have clean antecedent; whereas learned counsel for the State submits that there is specific allegation against petitioner no.1 of killing the deceased and there is no allegation against others.

Having considered the specific allegation of assault against petitioner no.1, the prayer of bail of petitioner no.1, namely, Supari Yadav @ Shupadi Yadav is rejected in connection with Katoria PS Case No.171 of 2017, giving rise to Sessions Trial No.31 of 2018 pending in the court of learned Additional Sessions Judge-II, Banka.

However, there is no allegation against petitioner no.2, namely, Bandhu Yadav of assaulting the deceased, so petitioner no.2 is directed to 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 learned Additional Sessions Judge-II, Banka in connection with Katoria PS Case No.171 of 2017, giving rise to Sessions Trial No.31 of 2018.

(Arun Kumar, J)

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