

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9142 of 2018

Arising Out of PS.Case No. -126 Year- 2016 Thana -KURSELA District- KATIHAR

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Fotto Yadav @ Pitambar Yadav @ Fatto Yadav, Son of Late Dhaneshwar Yadav, Resident of Village- Madheli Jarlahi, Police Station- Kursela, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.10093 of 2018

Arising Out of PS.Case No. -126 Year- 2016 Thana -KURSELA District- KATIHAR

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Rajesh Yadav, S/o Fotto Yadav @ Pitambar Yadav, R/o Village- Madheli Jarlahi, P.S.- Bara., District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.9142 of 2018)

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

(In Cr.Misc. No.10093 of 2018)

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 16-03-2018 Heard learned counsels for the petitioners and the State.

Since both the bail applications are arising out of same police case, they are being disposed of by the common order.

The petitioners, already in custody, seek bail in connection with Kursela P.S.Case No. 126 of 2016 registered under Sections 302/120B/34 of the Indian penal Code.

Allegation in brief is that some accused kidnapped the



deceased while he was returning back from the field and allegation against the petitioners is that they kept hold the informant and after some time hearing the sound of firing left her and when she went in that direction found her husband lying dead.

Submission is that Shyam Yadav who is alleged to have kidnapped the deceased, has been admitted to bail by a co-ordinate Bench of this Court vide order dated 12.02.2018 passed in Cr. Misc. No. 8318 of 2018, however, cause of death is not by firearm injury, as no firearm injury was found on the person of the deceased rather cause of death is asphyxia due to drowning, and the petitioners have no criminal antecedent.

Having considered the aforesaid facts and circumstances, the petitioners, namely, Fotto Yadav @ Pitambar Yadav @ Fatto Yadav and Rajesh Yadav, are directed to be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Kursela P.S. Case No. 126 of 2016.

(Arun Kumar, J)

Sujit/-

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