

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59283 of 2018

Arising Out of PS. Case No.-115 Year-2018 Thana- NAVINAGAR District- Aurangabad

Mithlesh Yadav, S/o Lalit Yadav, R/o Village- Nonia Bigha, P.S.- Nabinagar,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate.
For the informant	:	Ms. Lilawati Kumari, Advocate.
		Mr. Aman Vishal, Advocate.
For the Opposite Party/s :		Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-11-2018 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner seeks bail in Nabinagar P.S. Case No.
115 of 2018 instituted for the offence under Sections 147, 148,
341, 323, 324, 307, 448, 504, 506 of the Indian Penal Code.
Subsequently, Section 302 of the Indian Penal Code was added.

Counsel for the petitioner submits that there has been
free fight between the parties on account of land dispute. The
petitioner and informant are *Gotias* and next door neighbours.
Counsel for the petitioner further submits that petitioner has
also filed Nabinagar P.S. Case No. 116 of 2018 in which four
persons including petitioner have sustained injury.

In the instant case there is allegation against the



petitioner and other accused persons that they armed with deadly weapons came and started construction work on the land which was under dispute. The informant protested then petitioner gave one sword blow on the head of father of the informant causing injury to him. The father of the informant subsequently died in the hospital. It is further alleged that other persons went to mediate then, Birendra Yadav, Sanjay Yadav, Mithlesh Yadav (petitioner) and Upendra Yadav ordered to kill, on which, the accused persons assaulted them with sword, Axe, Garansa etc.

Case diary has been received.

The statement of witnesses have been recorded in paragraphs-9, 10, 11 and 12 of the case diary wherein they have stated that all the accused persons including petitioners have assaulted the members of prosecution party. From the statement of witnesses available in the case diary it appears that there has been free fight between both sides. The post mortem report of father of the informant is available in the case diary which shows that deceased had sustained several injuries on his person.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the



petitioner above named, 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 District & Sessions Judge-II, Aurangabad, in connection with Nabinagar P.S. Case No. 115 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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