

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8343 of 2019

Arising Out of PS. Case No.-530 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. Pawan Yadav, aged about 40 years, Gender-Male, S/o- Late Munga Lal Yadav, Resident of Village – Khaira, P.S. Sour Bazar, District-Saharsa.
2. Surendra Yadav, aged about 43 years, Gender-Male, S/o - Bhageshwar Yadav, Resident of Village – Khaira, P.S. Sour Bazar, District-Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sameer Ranjan

For the Opposite Party : Mr.Uday Pratap Singh(App178)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 26-04-2019 Heard learned counsels for the petitioners, informant and learned A.P.P. for the State.

The petitioners are languishing in custody since 22.09.2018 and 17.10.2018 respectively in a case for the offence registered under Sections 341, 323, 307, 354(B), 447, 504, 506/34 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 16.09.2018 at about 9.00 A.M., Ratan Yadav having ill intention by entering into the house attempted to sexually exploit his daughter Lata Kumari, when she raised alarm, the wife of the informant rushed there and she tried to rescue her girl but she was forcefully



pushed causing her to fell down. Afterwards Ratan Yadav went away giving threats. But again he returned from his house carrying weapons alongwith Lalan Yadav, Madan yadav, Fudan Yadav, Pawan Yadav, Surendra Yadav and Ranjit Yadav. It has been alleged that Madan Yadav gave Iron rod blow, Pawan Yadav gave Lathi blow on the wife of informant. Remaining accused persons assaulted her by fists and slaps and thereafter Surendra Yadav threw down daughter of the informant. The victim was taken to Sadar Hospital, Saharsa, from where she was referred to Darbhanga and treated at Gayatri Nursing Home where ultimately she died.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Co-accused Madan Yadav is alleged to have assaulted on the head of the deceased by means of Iron rod. As far as petitioners are concerned, no specific injury has been attributed against them. As per the postmortem report, cause of death is said to be 'respiratory failure due to massive bleuoal effusion on right side'. Apparently, postmortem report does not support the manner of occurrence as alleged in



the F.I.R.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saharsa, in connection with Sour Bazar P.S. Case No. 530 of 2018.

(Sudhir Singh, J)

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