

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10253 of 2019

Arising Out of PS. Case No.-42 Year-2007 Thana- SHANKARPUR District- Madhepura

1. Bijendra Yadav @ Vijendra Yadav, aged about 51 Years (M), Son of Late Shiv Narayan Yadav.
2. Sikendra Yadav @ Ravendra Yadav, aged about 38 Years (M), Son of late Shiv Narayan Yadav.
3. Binod Yadav @ Vinod Yadav, aged about 44 Years (M), Son of Yogendra Yadav.
4. Manoj Yadav, aged about 31 Years (M), Son of Yogendra Yadav.
5. Pradeep Yadav @ Pradeep Kumar, aged about 26 Years (M), Son of Krishna Mohan Yadav. All are residents of Village - Shankarpur, Tola Khaap, P.S.- Shankarpur, District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sharda Nand Mishra, Advocate.
For the Opposite Party : Mr.Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 379, 341, 337, 323 and
302/34 of the IPC.

The prosecution story, in brief, is that the petitioners
alongwith others assaulted the deceased Kameshwar Yadav by
means of Lathi and Iron rod after throwing him on the earth.
After receiving injury, he became unconscious and when the
informant went to police station for lodging the case then the



police demanded money and in the meanwhile, some persons came and told her (informant) that the case will be compromised. Therefore, she returned with her husband and got treated her husband by one Devendra Sah. But after some days, the husband of the informant complained for severe pain in his chest then she rushed to Sadar Hospital, Madhepura for treatment of her husband but in course of treatment, her husband died.

It has been submitted by learned counsel for the petitioners that the petitioners have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. After investigation, the police has submitted final form on 31.05.2008 vide Annexure-2 to the present application. Later on, learned court below differed with the said police report and took cognizance on 03.11.2018. As per the police report, the case was instituted due to mistake of fact.

On behalf of the learned counsel for the State, 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, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory 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 A.C.J.M.- 1, Madhepura, in connection with Shankarpur P.S. Case No. 42/2007, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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