

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.683 of 2019

Arising Out of PS. Case No.-57 Year-2014 Thana- NAUTAN District- West Champaran

1. Hiranman Yadav S/o late Murat Yadav
2. Laxman Yadav @ Lachhan Yadav S/o Late Shri Kishun Yadav Both resident of Village- Uttari Telhua, Dera Tola, P.S. - Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-01-2019 Heard both sides.

The petitioners apprehend their arrest in Nautan P.S.
Case No.57 of 2014 registered under Sections 302, 307 and
other minor Sections of the Indian Penal Code.

The informant named the petitioners along with other
accused persons and alleged that they all assaulted his father.
Pradeep Yadav @ Doctor, Lootan Yadav and Lakshan Yadav
assaulted his father with lathi. Sukul Yadav also assaulted the
deceased. The father of the informant died.

The learned counsel for the petitioner submits that the
petitioners are not alleged to have assaulted the father of the
informant. The police after investigation submitted final form
finding the accusation against the petitioners false and the



petitioners were not sent up for trial. The final form was accepted. Two Sessions Trial being Sessions Trial No.618 of 2014 and Sessions Trial No.186 of 2015 arose out of Nautan P.S. Case No.57 of 2014. The prosecution filed petition under Section 319 of Cr.P.C. in Sessions Trial No.618 of 2014 but no sufficient material was found to proceed against the petitioners and accordingly, petition filed under Section 319 Cr.P.C. was dismissed but again the prosecution filed the petition under Section 319 Cr.P.C. in Sessions Trial No.186 of 2015 and the learned Additional Sessions Judge found sufficient material to proceed against the petitioners on the basis of the evidence of Baijnath Yadav, P.W. 1 and Yadavlal Yadav, P.W.2 and issued summons. The petitioners, on such, apprehend their arrest.

Considering the facts that although petitioners were named in the F.I.R. but the police found the accusation false against the petitioners and submitted final form and cognizance was not taken against the petitioners and the fact that petitioners were summoned under Section 319 Cr.P.C. in Sessions Trial No.186 of 2015, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned 5th Addl. Sessions Judge, Bettiah, West Champaran in connection with Nautan P.S. Case No.57 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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