

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24938 of 2019

Arising Out of PS. Case No.-274 Year-2018 Thana- KUDRA District- Kaimur (Bhabua)

1. Lav Kush Upadhyay Son of Madan Upadhyay Resident of Village - Taruhan, P.S.- Kudra, Distt - Kaimur.
2. Babloo Upadhyay Son of Anil Upadhyay Resident of Village - Taruhan, P.S.- Kudra, Distt - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra
For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners apprehend their arrest in connection with Kudra P.S. Case no. 274 of 2018 registered under Sections 302, 307, 326 of the Indian Penal Code and 27 of the Arms Act.

Petitioners and two other accused persons are said to have assaulted on the head of the informant by means of lathi while co-accused, namely, Anil Upadhyay gunned down Uma Shankar Ojha and Mithilesh Upadhyay shot on the leg of Sunni Deo Ojha over the land dispute.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this



case. Both are students and petitioner no. 2 is pursuing his study living in Bangalore. The only allegation levelled against the petitioners is that they along with two other accused persons assaulted on the head of the informant, but doctor has not found any injury caused by hard and blunt substance on the head of the informant rather only one injury that too caused by sharp cut weapon. There is land dispute between the parties. They have no criminal antecedent

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Bhabhua in connection with Kudra P.S. Case no. 274 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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