

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69764 of 2018

Arising Out of PS. Case No.-683 Year-2017 Thana- BARACHATTI District- Gaya

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1. Pun Yadav and Anr Son of Late Munki Yadav
 2. Chhotu Yadav Son of Thanu Yadav Both Resident of Village-Dhanawan,P.S.-
Barachatti,Distt.-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Sri Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-02-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 28.6.2018 in a case registered for the offences punishable under Sections 143,341,323,308,324, 379 and 302/34 of the I.P.C.

The prosecution case as per the written report of Bodhan Yadav dated 1.11.2017 submitted to the SHO, Barachatti is to the effect that on the same day at 9.00 A.M., the informant was ploughing his field, in the meantime, five accused persons Thanu Yadav, Mogar Yadav, Chhotan Yadav and the petitioners came and started abusing and assaulting the informant. When the brothers of the informant, namely, Dinesh Yadav, Mohan Yadav and



Nanhku Yadav along with his mother namely Panma Devi came to rescue him, then the accused persons assaulted them causing injury on their head. The accused persons also snatched the gold chain and ear tops of the informant's mother. It is further alleged that brother of the informant, namely, Nanhku Yadav succumbed to the injury after a month.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. The accusation of assault is omnibus and general and the victim died after a month of the occurrence. It is further submitted that the postmortem report suggests that the deceased died due to maltreatment and that too he received only one injury when the accusation of assault is against four persons.

Learned APP after going through the case diary, submits that though the accusation of assault is omnibus and general but one person succumbed to the injury after a month and the petitioners are named in the FIR.

Considering the fact that the accusation of assault is against four persons whereas the deceased received only one injury, the genesis of the occurrence, the accusation not



being corroborated by the medical opinion and the period under custody, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati at Gaya in connection with Barachatti P.S. Case No.683 of 2017.

(Dinesh Kumar Singh, J)

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