

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26002 of 2020

Arising Out of PS. Case No.-318 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. Sameer Yadav, aged about 26 years, Gender-Male, S/o Inar Yadav, R/o Village- Suhath, Ward No.10, P.S.- Saur Bazar, District- Saharsa.
2. Anil Yadav, aged about 21 years, Gender-Male, S/o Inar Yadav, R/o Village Suhath, Ward No.10, P.S.- Saur Bazar, District- Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Jitendra Kumar Giri, Advocate.
For the Opposite Party : Mr. Ram Bilas Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 341, 342, 323, 324, 325, 307, 504/34 of the I.P.C and Section 27 of the Arms Act. Later on, Section



302 of the I.P.C. was also added.

The prosecution story, in brief, is that on 06.08.2018 at about 7.00 P.M. in the evening, the informant was returning his home after watching his field, as soon as, he reached near the house of Dukho Yadav, petitioner no. 1 Sameer Yadav, petitioner no. 2 Anil Yadav having firearms (Three Nuts) in their hands, co-accused Ranjeet Yadav and Iner Yadav having Lathi in their hands, surrounded him. Seeing the informant, petitioner no. 1 Sameer Yadav shot fire upon him which hit on his hand, as a result of which, he fell down on the ground. Thereafter, all accused persons brutally assaulted him with Lathi and Danda. petitioner no. 2 Anil Yadav assaulted the informant with Lathi causing hand injury and thrown in the field of Dinesh Sah. The informant was admitted in P.H.C., Sourbazar then referred to Sadar Hospital, Saharsa and then referred to D.M.C.H. Darbhanga but his relatives admitted him in Gayatri Nursing Home, Saharsa.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 24.02.2020. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The



petitioners have falsely been implicated in the present case. The petitioners are named in the F.I.R. Earlier the case was instituted for an offence under Section 307 and other allied sections of the I.P.C. Subsequently, in course of treatment, after lapse a period of four days, the injured succumbed to the injuries. Thereafter, Section 302 of the I.P.C. was added. As per the allegation made in the F.I.R., petitioner no. 1 Sameer Yadav is said to have fired upon the victim causing injury on his right hand and petitioner no. 2 Anil Yadav is said to have assaulted with Lathi causing injury on his left hand. Subsequently, other co-accused Ranjeet Yadav and Iner Yadav are said to have assaulted with Lathi and Danda. From perusal of the F.I.R., it appears that neither there is any firearms injury nor there is any such external injury which can be said to be the cause of death of the deceased. The cause of death of the deceased could not be ascertained by the Doctor and for the said reason, Viscera has been preserved and sent for F.S.L. As per the F.I.R., there is no allegation of administration of poison to the deceased. The postmortem report does not corroborate the allegation made in the F.I.R.

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 facts and circumstances of the case,
the petitioners above named, are directed to 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 Saur Bazar P.S.
Case No. 318/2019.

(Sudhir Singh, J)

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