

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81298 of 2019**

Arising Out of PS. Case No.-204 Year-2019 Thana- LAXMIPUR District- Jamui

Nuneshwar Yadav, S/o Gohi Yadav, R/o village- Snsarpur, P.S.- Gidhaur,  
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Sumiran Rai  
For the Opposite Party/s : Mr.Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      14-01-2020                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner is accused in connection with  
Laxmipur (Gidhaur O.P.) P.S. Case No. 204 of 2019, registered  
under Section 307 and other allied Sections of the Indian Penal  
Code and later on, Section 302 of the Indian Penal Code has  
been added.

The accusation is that Pawan Yadav and Manoj  
Yadav, elder brothers of informant, Chunchun Yadav, were  
present in the field for digging under Nal-jal scheme in the  
evening of 07.06.2019. At that time, Banke Yadav, Mukesh  
Yadav, Pappu Yadav, Subodh Yadav, Lalo Yadav and Nuneshwar  
Yadav armed with Bhujali, Farsa and Bhala came there and



started to abuse claiming their land, while the said land is in possession of the informant since several years. In the meantime, they caused injury to Pawan Yadav and Manoj Yadav through Bhujali. On hearing, informant, Chunchun Yadav, his father Nanku Yadav and Jairam Yadav reached there then they were also assaulted through Bhujali, Farsa and Bhala. Thereafter, all injured were rushed at Sadar Hospital, Jamui and some injured were rushed at P.M.C.H., Patna for better treatment but later on, Pawan Yadav died.

Learned counsel for the petitioner submits that while there is general and omnibus allegation against the petitioner and others named in the FIR to cause injury to Pawan Yadav (deceased), Manoj Yadav, Jairam Yadav and Nanku Yadav but in paragraphs 2 and 8 of the case diary, informant and witness have clearly stated that Banke Yadav repeatedly gave sword blow at Pawan Yadav and the injuries, as found on the person of deceased, Pawan Yadav, are caused by sharp cutting weapons. It is further submitted that petitioner has no criminal antecedent and is in custody since 15.06.2019.

On the other hand, learned counsel for the informant submits that it has come in course of investigation that petitioner was armed with Bhala at the time of occurrence and no pointed



injury was found on the person of the deceased but other persons have also sustained injury through Bhala.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the J.M. Ist Class, Jamui, in connection with Laxmipur (Gidhaur O.P.) P.S. Case No. 204 of 2019. Out of two sureties, one surety must be the close relative of the petitioner.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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