

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9944 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- KOTWA District- East Champaran

1. RAMDEO YADAV S/O LATE DILPAL YADAV R/O VILLAGE-FATUHA, P.S-KOTWA, DISTRICT-EAST CHAMPARAN, MOTIHARI.
2. PAWAN KUMAR @ PAWAN YADAV S/O RADEO YADAV R/O VILLAGE-FATUHA, P.S-KOTWA, DISTRICT-EAST CHAMPARAN, MOTIHARI.
3. MITHLESH YADAV S/O RAMDEO YADAV R/O VILLAGE-FATUHA, P.S-KOTWA, DISTRICT-EAST CHAMPARAN, MOTIHARI.
4. LALU KUMAR @ LALU YADAV S/O RAMDEO YADAV R/O VILLAGE-FATUHA, P.S-KOTWA, DISTRICT-EAST CHAMPARAN, MOTIHARI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

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

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Ramdeo Yadav as during pendency of this application, he has been taken into judicial custody.

Permission is granted.



Accordingly, this application with regard to petitioner No. 1 namely, Ramdeo Yadav is dismissed as withdrawn.

The petitioner Nos. 2,3 & 4 are apprehending their arrest in connection with Kotwa P.S. Case No. 323 of 2020 registered for the offence under Sections 341, 342, 307, 323, 302/34 of the Indian Penal Code.

Prosecution case in short is that at the time of alleged occurrence, all the accused persons having armed with lathi, spade and farsa, assaulted one Shambhu Yadav as a result of which, he died at the place of occurrence.

It has been submitted on behalf of the petitioner Nos. 2,3 & 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. As per FIR, general allegation of assault is alleged against the petitioner Nos. 2,3 & 4. No specific overt act is alleged against the petitioner Nos. 2,3 & 4. From perusal of postmortem report, it is apparent that there is no external injury on the body of the deceased. The postmortem report does not corroborate the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioner Nos. 2,3 & 4 are named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 2,3 & 4, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 323 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 2,3 & 4 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

