

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9923 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- SONBERSA District- Saharsa

1. Ganesh Yadav Son Of Dhaneshwar Yadav Resident Of Village - Navtoliya, Ward No.1, P.S.- Sonbarsa, Raj Distt.- Saharsa.
2. Nandan Yadav @ Nandan Kumar Son Of Dhaneshwar Yadav Resident Of Village - Navtoliya, Ward No.1, P.S.- Sonbarsa, Raj Distt.- Saharsa.
3. Sanjan Devi W/O Ganesh Yadav Resident Of Village - Navtoliya, Ward No.1, P.S.- Sonbarsa, Raj Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8737 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- SONBERSA District- Saharsa

1. Mira Devi Wife Of Kameshwar Yadav R/O Village- Navtolia, Ward No.-1, P.S.- Sonbarsa Raj, District- Saharsa
2. Mankiya Devi Wife Of Chandeshwari Yadav R/O Village- Navtolia, Ward No.1, P.S.- Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9923 of 2022)

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

(In CRIMINAL MISCELLANEOUS No. 8737 of 2022)

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr. Dilip Kr. No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will



place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code later on Section 302 IPC has been added.

Allegation against the petitioners is of carrying assault resulting in the death of deceased Baijnath Yadav.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute as both parties are neighbours. He submits that there is no specific allegation against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that the occurrence took place on 15.04.2021 but the FIR was lodged after delay of 8 days on 22.04.2021. He submits that earlier a case was lodged under Section 341, 323, 354, 379, 504, 506/34 IPC but later on connecting the alleged occurrence with the death of the brother of the informant, Section 302 IPC has been added. He submits that the deceased died due to intestinal problem. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for



bail.

Considering the facts and circumstances of the case and the fact that no injury was found in the postmortem report, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonbarsa Raj P.S. Case No. 55 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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