

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16087 of 2022

Arising Out of PS. Case No.-611 Year-2021 Thana- SUPAUL District- Supaul

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1. Kusheshwar Yadav Son of Nandlal Yadav Resident of village - Itahari, Ward No.- 15, P.S. and District - Supaul, State - Bihar.
 2. Om Shankar Yadav Son of Kusheshwar Yadav Resident of village - Itahari, Ward No.- 15, P.S. and District - Supaul, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 19-10-2022 Heard learned counsel for the petitioners and learned A.P.P for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

The petitioners seek bail in connection with a case registered for the offences punishable under Sections 341, 342, 323, 324, 506, 307 and 34 of the Indian Penal Code.

The prosecution case, in short, is that Maheshwari Yadav and Kusheshwar Yadav (petitioner no. 1) tied the informant's neck by a turban and pulled the same to kill him, due to which his breath stopped and he felt uneasy, thereafter, Om Prakash and Pappu Yadav with intention to kill him



inflected dabiya blow on his head and he sustained head injury.

Learned Counsel for the petitioners submit that the petitioners are innocent and they have been falsely implicated in this case due to enmity on account of ancestral property between the parties. It is submitted that the petitioner no. 1 and the informant are step-brothers and there is admitted ancestral land dispute between them. It is further submitted that earlier the dispute has been occurred for the same land and a case bearing Supaul P.S. Case No. 71 of 2021 registered under Sections 341, 323, 379 504 and 34 of the Indian Penal Code which was filed by the informant and a counter case bearing Supaul P.S. Case No. 603 of 2021 was lodged by the petitioner no. 1. It is further submitted that the informant was examined by the doctor and the doctor found that the injuries are simple in nature. Learned counsel for the petitioners further submit that another co-accused, namely, Maheshwari Yadav has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 03.08.2022 passed in Criminal Miscellaneous No. 14014 of 2022. Further, it is submitted that the petitioners are in custody since 17.10.2021, charge-sheet have been submitted and antecedent of one case.

Learned A.P.P for the State opposes the prayer for bail of the petitioners.



Considering the facts and circumstances of this case,
the above named petitioners are directed to be enlarged on bail
on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only
each with two sureties of the like amount each to the satisfaction
of the learned A.D.J. - 7th, Supaul in connection with Supaul P.S.
Case No. 611 of 2021

(Khatim Reza, J)

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