

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31700 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- PANJWARA District- Banka

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RAHUL YADAV SON OF UPENDER YADAV R/O VILLAGE- NILGHARI,
P.S.- PANJWARA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 31800 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- PANJWARA District- Banka

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PUSHPENDRA YADAV @ MANGRU YADAV SON OF JAHURI YADAV
R/O VILLAGE- NILGIRI, P.S.- PANJWARA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 31700 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay

For the Opposite Party/s : Mr.Zainul Abedin

(In CRIMINAL MISCELLANEOUS No. 31800 of 2022)

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions have been heard together as they arise

out of the same police station case number and are being disposed of

by this common order.

Petitioners seek regular bail in a case registered for the



offences punishable under Sections 302, 307 and other allied sections of the Indian Penal Code.

As per allegation, 18 named accused persons including the petitioner entered into courtyard of the informant's house in the evening on the alleged date of occurrence with lathi, danta, stone and after that they started abusing the prosecution party and mother of the informant aged about 70 years was assaulted by them as a result of which she died on the spot and father of the informant was also assaulted by the accused persons and the reason behind the alleged occurrence is stated to break up marriage of daughter of Puspendra Yadav by the family of the informant.

The main submissions advanced by the learned counsel appearing for the petitioners are that 18 accused persons are named in the FIR and there is no specific allegation against the petitioners and they are simply stated to be members taking part in the alleged occurrence and the deceased is stated to be 70 years old and any fatal weapon was not used by the accused persons in assaulting the deceased and alleged act of the accused persons may only attract the offence punishable under section 304 part II IPC. Further submission is that both petitioners have got no criminal antecedent, they have been charge sheeted and similarly situated co-accused persons Sikandar Yadav, Lal Mohan Yadav, Ajay Yadav have been granted bail by different benches of this court vide orders passed in Cr. Misc. no. 48399 of 2021 and Cr. Misc. no. 64150 of 2021 and case of the



petitioners stands on similar footing.

Learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions, case of the petitioners stands on similar footing and co-accused are on bail, against the petitioners there is no specific allegation and they have been languishing in jail since 23.2.2022/15.2.2022 respectively and investigation has been completed against them, in the opinion of this court, a lenient approach can be taken in respect of the petitioners. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Panjwara P.S Case No. 49 of 2021.

(Shailendra Singh, J)

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