

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45285 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -PACHRUKHI District- SIWAN

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1. Virendar Yadav @ Ravindra Yadav @ Munna Son of Prem Chand
Yadav, Resident of Village - chap, P.S. - Sarai (O.P.), District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 07-12-2015 Heard learned Sr. Counsel for the petitioner and

learned counsel representing the State.

The petitioner seeks bail in connection with
Pachrukhi P.S. Case No. 79 of 2015 registered for the offences
punishable under Sections 341, 323, 302, 506, 34 of the Indian
Penal Code.

Allegedly, the petitioner and co-accused Santosh
Kumar Yadav and Leelawati Devi entered into the house of the
informant and started assaulting the mother and sons of the
informant and when another son Nirotham Prasad Yadav aged 15
years of the informant came for rescue, he was assaulted with fists
and slaps and he became senseless and during treatment he died.



Submission is of false implication and that there is no specific allegation against the petitioner, there was no intention to commit murder and as such no offence under Section 302 IPC is made out. During post mortem cause of death has been found shock and hemorrhage due to above mentioned ante mortem injuries caused by hard and blunt object followed by surgical intervention and complication thereafter. The petitioner is in custody since 17.04.2015 having no criminal antecedent, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that during investigation witnesses and informant have stated that the petitioner assaulted with foot on the stomach resulting he fell down and then co-accused assaulted with wicket on the stomach and Leelawati Devi was instigating.

In the facts and circumstances stated above, considering that the petitioner did not use the wicket or any weapon to assault the deceased and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi (Sarai O.P.) P.S.

Case No. 79 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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