

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5915 of 2016

Arising Out of PS.Case No. -6 Year- 2015 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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Rajendra Yadav son of Late Bunel Yadav, Resident of village- Magorahiya,
P.S.- Gopalpur, District- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. M. Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions
Trial No. 189 of 2015 arising out of Gopalpur P.S. Case No. 06 of
2015 registered for the offences punishable under Sections 147,
148, 149, 323, 324, 307, 379 and 302 of the Indian Penal Code.

Allegedly, the petitioner started assaulting the father
of informant with an intention to kill him, resulting his ear began
to bleed and thereafter co-accused Shambhu Yadav assaulted with
iron rod on the head, resulting the father of the informant died.

Submission is of false implication and that there is
old enmity, land dispute is going on, co-accused Shambhu Yadav
against whom there is allegation who has assaulted on his head by

iron rod, has already been allowed bail vide Cr. Misc. No. 37721 of 2015, the son of the deceased has made omnibus allegation of assault against the petitioner and other co-accused vide para-40 of the case diary, on the head no injury has been found though against the petitioner there is allegation that he started assaulting on head, postmortem report also does not support the prosecution version and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 17.03.2015.

The learned A.P.P opposes the prayer of bail by submitting that in inquest report, bleeding from ear was found and after the death of deceased, the statement of the son was recorded at para-40 of the case diary, appears not consistent.

In the facts and circumstances stated above and considering that no injury was found on the head of the deceased, co-accused Shambhu Yadav has already been allowed bail, the son of the deceased has made omnibus allegation of assault against the petitioner and others 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 like amount each to the satisfaction of learned Additional Sessions Judge-III, Bettiah, West Champaran, in connection with Sessions Trial No.189 of 2015 arising out of Gopalpur P.S. Case No.06 of 2015, subject to

conditions that one of the bailors must be 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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