

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39536 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Dev Narayan Yadav Son of Late Shiv Yadav Resident of Village -
Kashipura Pokhra, P.S- Magadh Medical, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Lilawati Singh

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 28-11-2016 Heard both sides.

The petitioner seeks bail in Magadh Medical P.S.
case No. 121 of 2016 under Section 302 and other Sections of the
Indian Penal Code.

The informant alleged that his brother, Krishna
Yadav, was fitting iron gate in the western portion of his house
and the gate was opening towards PCC road. Binod Rai,
Shyamdeo Rai @ Pramod Yadav, Sonu @ Ranjit, Dev Narayan
Yadav, the petitioner, came and began to abuse his brother
Krishna Yadav saying that the would not allow to open the gate on
road. Binod Kumar assaulted his brother, Krishna Yadav, with
iron rod on his head. Shyamdeo Yadav @ Pramod Yadav also

assaulted his brother with iron rod. Thereafter, Sonu @ Ranjit and petitioner assaulted Krishna Yadav with Lathi. When his brother, Sitaram Yadav came, the accused persons also assaulted him with Lathi.

The learned counsel for the petitioner submits that firstly Binod Kumar is said to have assaulted the deceased with iron rod on his head. Thereafter, Shyamdeo Yadav @ Pramod Yadav is alleged to have assaulted Krishna Yadav with iron rod on his head and then Sonu @ Ranjit and the petitioner are alleged to have assaulted Krishna Yadav with Lathi. Petitioner is also alleged to have assaulted Sitaram Yadav with Lathi but from perusal of post mortem report it would appear that Krishna Yadav got two injuries on head, which are attributed to Binod Kumar and Shyamdeo Yadav @ Pramod Yadav. Krishna Yadav got two other injuries on forearm, which are simple in nature. Sitaram Yadav also got one injury on his forearm which is opined to be grievous on account of fracture of forearm bone. It is further submitted that there is counter version being Magadh Medical P.S. case No. 123 of 2016 in which the petitioner was also assaulted and he was under treatment for considerable time in the hospital. The blow of petitioner did not cause the death of Krishna Yadav. The petitioner in jail since 13.06.2016.

It appears that firstly Binod Kumar is said to have assaulted Krishna Yadav with iron rod on his head. Thereafter, Shyamdeo Yadav @ Pramod Yadav is said to have assaulted Krishna Yadav on his head and thereafter petitioner is alleged to have assaulted Krishna Yadav with Lathi but the informant did not disclose that on which part the petitioner gave blow. From post mortem report it appears that deceased got two injuries on head which are fatal and responsible for the death of deceased. The blow given by the petitioner cause simple injury on forearm of the deceased. The petitioner is in jail since 13.06.2016.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged 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 learned Chief Judicial Magistrate, Gaya in Magadh Medical P.S. Case No. 121 of 2016.

(Prabhat Kumar Jha, J)

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