

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49189 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

Sanjeet Yadav @ Ranjeet Yadav S/o Rajendra Yadav R/v - Dhoi, P.S.
Sadar, District - Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 22-06-2016

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal
Code.

The prosecution case is that that the animals
of Bablu Yadav grazed the plants of Ram Babu Yadav. On protest
being made Ram Babu Yadav slapped Bablu Yadav, consequently
Bablu Yadav informed his family members then the accused

persons came variously armed and assaulted Ram Babu Yadav, the father of the informant when the two uncles of the informant namely Vishwanath Yadav and Ramnath Yadav came to rescue they were also assaulted with sword and farsa. Subsequently, Ram Babu Yadav succumbed to the injuries.

During investigation two injured uncles of the informant namely, Vishwanath Yadav and Ramnath Yadav statements were recorded in paragraph 75 and 76 of the case diary when Vishwanath Yadav one of the injured stated that co-accused Rajendra Yadav assaulted with axe on the head of victim Ram Babu Yadav causing cut injury whereas petitioner assaulted with sword. Thereafter, all the accused persons assaulted Ram Babu Yadav when Vishwanath Yadav went to rescue Ram Babu Yadav then the petitioner assaulted him with sword and Rajendra Yadav assaulted with axe. Ram Sewak assaulted with farsa on the head and Bablu Yadav caused injury with spade. The other injured Ramnath Yadav stated that Jai Prakash Yadav assaulted with iron rod causing fracture injury and Ram Sewak Yadav assaulted him with farsa on the head. The other eye witness Nono Yadav's statement has been recorded in paragraph 31 of the case diary where he has stated that seven accused persons assaulted the victim Ram Babu Yadav.

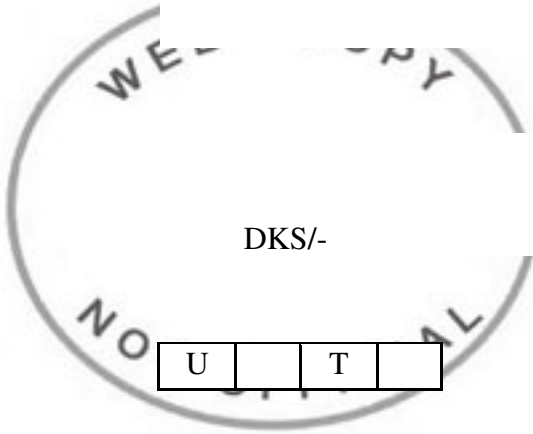


It is submitted by learned counsel for the petitioner that the accusation is omnibus and general of assault by 16 accused persons including the petitioner. The statements of the injured have been recorded after two months of the occurrence and there are inter se inconsistencies in the statement of the eye witnesses. Co-accused Rajendra Yadav, who as per the injured witness assaulted with axe on the head of Vishwanath Yadav. Rajendra Yadav has been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 40174 of 2015. The post-mortem report reflects two injuries found caused to the deceased, one being simple while the other incised injury being grievous on the right parietal and right temporal region.

Considering the accusation being omnibus and general, the accusation being not corroborated with the medical opinion and the similarly situated co-accused Rajendra Yadav has been granted bail by co-ordinate Bench of this Court, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 314 of 2014.

The learned court below will be at liberty to

cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.



(Dinesh Kumar Singh, J)