

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54552 of 2016

Arising Out of PS.Case No. -401 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

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Kunal Yadav @ Kunal Kumar S/o Arjun Yadav, resident of Village
Salempur, P.S.- Muffasil, District- Gaya. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

For the Informant : Mr. Sunil Kumar Yadav, Advocate

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

ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Supplementary affidavit has been filed on behalf of the
petitioner which has been taken on record.

The petitioner seeks bail in connection with Muffasil P.S.
Case No. 401 of 2015 registered for the offences punishable under
Sections 302, 447, 341, 323, 324, 379, 307/34 of the Indian Penal
Code.

Allegedly, the petitioner and other FIR named accused
persons being armed with sword, spear, pistol, bricks entered into
the house of the informant and started assaulting all the inmates
and further snatched Rs. 25,000/- and assaulted Rahul Kumar,
Neha Kumari, Mithilesh Kumar, Pankaj Kumar, Kailash Yadav,
Sakun Devi and during treatment Rahul Kumar died due to injury.



Submission is of false implication and that there is case and counter case, there is general and omnibus allegation, the petitioner is not the assailant, both sides have received injuries, the deceased has received only one injury and as such the petitioner deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that in case diary it has come that Arjun Yadav has assaulted the deceased and further blood stained lathi has been recovered from the house of Arjun Yadav who is non-else but the father of the petitioner.

In the facts and circumstances stated above, considering that against the petitioner there is general and omnibus allegation, only one injury has been found on the person of 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 the learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 401 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.

avin/-

(Jitendra Mohan Sharma, J)

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