

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39610 of 2018

Arising Out of PS.Case No. -15 Year- 2017 Thana -

AMARPUR District- BANKA

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Manilal Yadav, Son of Late Sikandar Yadav, R/o Vill.-Kaitha,
P.S.-Fullidumar, District-Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Adv.

For the Informant : Mr. Sanjay Kr. Jha, Adv.

For the State : Mr. Md. Aslam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-07-2018 As requested, learned counsel for the petitioner is permitted to make necessary corrections in first paragraph as well as in the prayer portion of the present petition during the course of the day.

Heard the learned counsel for the petitioner, the informant and the State.

This application for grant of regular bail arises out of Amarpur (Fullidumar) P.S. Case No. 15 of 2017, dated 17.01.2017, instituted for the offences under Sections 341, 323, 307, 447, 379 and 504/34 of the Indian



Penal Code. Later Section 302 of the Indian Penal Code has also been added.

The prayer for bail of the petitioner was earlier dismissed as withdrawn *vide* order dated 03.01.2018, passed in Cr. Misc. No. 48757 of 2017.

It has been alleged in the F.I.R. that Sadanand Yadav, Tuntun Yadav and Kusum Kumar abused and assaulted the father of the informant. The informant was also assaulted. It has been stated that the occurrence took place because of the land dispute between the parties. Later, the petitioner and two others are also said to have indulged in assault by hard and blunt substance. After about some days, the father of the informant succumbed to the injuries.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against all the accused persons of assaulting the deceased (father of the informant). In the F.I.R., it has been stated that three of the accused persons assaulted the deceased in the first instance and the petitioner only thereafter, came to the house of the informant and perpetrated the assault. The accused persons who have been named by the informant with the allegation of assaulting the deceased first, have dispute with the informant with respect to a land. The



petitioner does not have any such dispute with either the informant or the deceased.

It has further been submitted that the aforesaid two accused persons, viz. Sadanand Yadav and Tuntun Yadav have been granted bail by a co-ordinate Bench of this Court. The ground which weighed with the Court in granting bail to the aforesaid two accused persons was that their period of custody and the fact that even after the charges had been framed, no witness had been examined on behalf of the prosecution.

Those grounds are available to the petitioner as well.

The petitioner is remained in jail for about one year and four months by now.

Regard being had to the aforesaid facts, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Sessions Trial No. 512 of 2017, arising out of Amarpur (Fullidumar) P.S. Case No. 15 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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