

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9089 of 2018

Arising Out of PS.Case No. -172 Year- 2017 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Shambhu Yadav S/o Late Bijili Yadav, R/o village- Padraun, P.S.-
Loriya, District- West Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Bimlesh Kumar Pandey, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-03-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 307,
302 and 506 of the Indian Penal Code.

According to FIR, the petitioner caused injury at
the head of the son of the informant as a result whereof he died.
There is allegation of commission of assault against others also.
However, the Doctor has found single head injury which was
cause of death.

Learned counsel for the petitioner submits that
the occurrence allegedly took place on 12.06.2017. The treatment
of the victim was going on in the hospital without any information



to the police or any attempt to inform the police, rather only after death on 23.06.2017. The FIR was lodged on 24.06.2017. He further submits that Savitri Devi wife of co-accused Ramesh Yadav had lodged Loriya P.S. Case No. 167 of 2017 on the same day alleging therein that the prosecution side had assaulted to her husband Ramesh Yadav and Ramesh Yadav was brought to the referred hospital for treatment where her fardbeyan was recorded. His contention is that informant has suppressed the real occurrence in the FIR.

Learned counsel for the informant opposed the prayer for bail on the ground that there is direct allegation against the petitioner. Other witnesses have also supported the allegation against the petitioner before the police. Moreover, statement of the wife of the deceased was recorded on 23.06.2017 at 10:15 a.m. at PMCH, Patna wherein she has levelled allegation against the petitioner and against another co-accused of commission of assault at the head of the deceased.

After hearing the parties, considering the delayed information to the police and conflicting statement of the informant and wife of the deceased regarding number of injuries caused at the head of the deceased, in my view, petitioner deserves bail, hence, let the petitioner, above named, be released on bail on



furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Loriya Police Station Case No. 172 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

