

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21279 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Lal Babu Yadav Son of Ramdeo Yadav Resident of Village - Bhaisahi Kodar, P.S.- Manjhagarh, Distt - Gopalganj.
2. Prashuram Yadav @ Parshuram Yadav Son of Ramdeo Yadav Resident of Village - Bhaisahi Kodar, P.S.- Manjhagarh, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Advocate

For the Opposite Party/s : Mr.Pankaj Kumar Dubey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners who are in custody since 03.12.2018 have filed the instant application for grant of bail in connection with Manjhagarh P.S. Case No. 373 of 2018 registered for the offence punishable under sections 147,148,149,323,324,307 and 504 of the Indian Penal Code and to which section 302 of the IPC was added subsequently.

As per the allegation in the FIR, while a Panchayati was taking place, the accused persons including the petitioners herein variously armed started to assault the informant and others. It is further stated that Satyendra Kumar struck with sword on the brother of the informant Paras Sahani who is said to have later succumbed to his injury in course of treatment in



Sadar Hospital, Gopalganj. It was further stated that other accused persons including the petitioners herein have also assaulted.

It is submitted by learned counsel for the petitioners that the allegations as narrated in the FIR are false and incorrect. The occurrence took place in a manner other than what has been alleged for which a counter case has also been lodged, the FIR of which is Annexure 2 to the application. It is further stated that the allegations against these petitioners are general and omnibus in nature, they are in custody since 03.12.2018 and that they have no criminal antecedent.

It is submitted learned counsel for the informant that there is specific allegation against the petitioners of having assaulted. They were part of the group of accused persons assaulting the informant and his brother as a result of which the informant's brother died and as such it is not an appropriate case for grant of bail to the petitioners.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties, taking into consideration the fact that the main allegation of assault is on Satyendra Kumar who is said to have assaulted leading to death



of Paras Sahani, the petitioners being in custody since 03.12.2018 and they not having criminal antecedent, the Court is inclined to enlarge the petitioners on bail. Let the petitioners above named be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 373 of 2018.

(Partha Sarthy, J)

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