

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51116 of 2019

Arising Out of PS. Case No.-96 Year-2011 Thana- BANMANKHI District- Purnia

MAHADEV PRASAD YADAV @ MAHADEV YADAV Son of Late Shiv Prasad Yadav Resident of Village - Devottar, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Uday Singh

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Banmankhi P.S. Case no. 96 of 2011, registered under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The accusation is that on 16.07.2011 at about 7.00 A.M. six persons named in the F.I.R., including the petitioner, variously armed with Lathi and Farsa came to the informant and started assaulting him in which he received blood oozing injury at his head. When Manoj Kumar, son of the informant, reached there then Subodh Yadav gave Farsa blow at the head of Manoj Yadav. Later on, Manoj Kumar died in course of treatment.

Learned counsel for the petitioner submits that Banmankhi P.S. Case no. 96 of 2011 against six persons named



in the F.I.R., including the petitioner was instituted. On investigation, Police submitted Chargesheet under Sections 341, 323, 307 and 302 of the Indian Penal Code against Subodh Yadav and submitted Final Form against the petitioner and four others, but learned Chief Judicial Magistrate, Purnea took cognizance against the petitioner differing with the Final Form. Further submission is that specific allegation is against co-accused Subodh Yadav to cause head injury to deceased Manoj Yadav, while general allegation has been made against all six accused, including the petitioner, to cause injury to the informant, but three injuries as found on the person of informant are simple in nature caused by hard and blunt substance.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-I, Purnea in connection with Banmankhi P.S. Case No. 96 of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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