

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2411 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- JOGAPATTI District- West Champaran

Brijraj Kumar @ Biraj Yadav @ Brijraj Yadav, son of Bunela Yadav, Resident
of Village- Lalagarh, Police Station- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar No 7, Advocate
For the Opposite Party/s :	Mr. Kumar Virendra Narayan (APP 226)
For the informant :	Mr. Umesh Chandra Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 07-02-2019 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the informant.

Petitioner seeks bail in **Yogapatti P.S. Case No.49 of 2018** instituted for the offence under Section(s) 302 and other allied sections of Indian Penal Code.

Counsel for the petitioner submits that Petitioner is in custody since 14.06.2018.

It is submitted that petitioner is grandson of the deceased. Prior to institution of instant case, father of the petitioner has lodged Yogapatti P.S. Case No.02 of 2018 for the same date of occurrence levelling specific allegation against the present informant for killing his grandmother, Kalawati Devi, by hitting with *watt* of kilogram on account of which she sustained



serious injury and died. Aforesaid case has been registered on 01.01.2018 vide Yogapatti P.S. Case No.02 of 2018.

Fard beyan of instant case has been recorded on 06.01.2018 for the occurrence dated 01.01.2018 levelling allegation that this petitioner along with his father, Bunela Yadav, assaulted the *Fuaa* of the informant, Kalawati Devi, with iron rod and lathi, who subsequently died. It is further alleged that this petitioner assaulted father-in-law of the informant with iron rod on the head near temple.

Counsel for the petitioner has enclosed postmortem report of Kalawati Devi, which shows that she has sustained fracture injury of right parietal bone. Cause of death was due to head injury. There was no any other injury. Father-in-law of the informant had sustained fracture injury in his wrist caused by hard and blunt object.

Counsel for the petitioner submits that instant case has been filed by the informant to save his skin from the case filed earlier by the father of petitioner vide Yogapatti P.S. Case No.02 of 2018 in which there is specific allegation against the informant of assaulting the grandmother of the petitioner, Kalawati Devi, on head with watt of kilogram, who subsequently died.



Counsel for the petitioner submits that father of the petitioner, Bunela Yadav, has already been granted anticipatory bail by co-ordinate Bench of this Court by order dated 20.12.2018 passed in Cr. Misc. No.71809 of 2018.

Counsel for the informant has appeared and opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Bettiah, West Champaran**, in connection with **Yogapatti P.S. Case No.49 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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