

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4383 of 2020

Arising Out of PS. Case No.-225 Year-2019 Thana- PRANPUR District- Katihar

1. SUBHASH YADAV @ SUBASH YADAV Son of Sagar Yadav, Resident of Village- Babupur, Police Station - Pranpur (Roshna), District- Katihar.
2. Chhotu Yadav Son of Sagar Yadav, Resident of Village- Babupur, Police Station - Pranpur (Roshna), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr.Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 25-08-2020 Heard Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioners and Mr. Umesh Lal Verma, learned A.P.P. through Video Conferencing.

Petitioners seek bail in Pranpur (Roshna) P.S. Case No.225 of 2019 registered under Sections 384, 302 and 34 of the IPC.

Md. Kamal (the informant) alleged that on 11.11.2019 he along with his brother Md. Jamal and others were taking cattle to the cattle fair. When they reached near Labha Bridge, Subhash Yadav, Chhotu Yadav (petitioners) and Liladhar Yadav came and asked the informant and his brother to pay extortion. When the informant and his brother refused to pay extortion and



said that the money be demanded from the owner of the cattle, Subhash Yadav and Chhotu Yadav (petitioners) snatched stick from the hands of the informant and his brother and started assaulting Md. Jamal (brother of the informant). Md. Jamal fell down on the ground and during course of his treatment, he died.

Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioners submits that the petitioners were not armed with any weapon. There was no intention on the part of the petitioners to kill the brother of the informant. Petitioners are alleged to have snatched stick from the hands of the informant and the deceased and indiscriminately assaulted the brother of the informant but from perusal of the postmortem report, it would appear that one lacerated wound was found on the scalp of the deceased and three injuries were found on the other non-vital parts of the body of the deceased. By no stretch of imagination, it can be inferred that the petitioners had intention to kill the deceased. The petitioners are in jail since 21.11.2019 and they deserve bail.

Learned A.P.P., however, opposed the prayer for bail.

Perused the records. It appears that the informant and others have categorically stated that the petitioners firstly demanded extortion from the informant and his brother, who



were taking cattle in the cattle fair but on refusal, both petitioners snatched the stick from the hands of the informant and his brother (deceased) and indiscriminately assaulted the deceased.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on bail at this stage. Accordingly, the same is rejected. The petitioners, if so advised, may renew their prayer for bail after remaining one year and four months in custody.

(Prabhat Kumar Jha, J)

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