

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6189 of 2020**

Arising Out of PS. Case No.-383 Year-2019 Thana- SIRDALA District- Nawada

1. NARENDRA YADAV Son of Bhola Yadav Resident of Village - Dubari Bigha, P.S.- Sirdalla, District - Nawada.
2. Sajan Yadav Son of Late Bhatu Yadav Resident of Village - Dubari Bigha, P.S.- Sirdalla, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 26-08-2020 Heard learned counsel for the petitioners and Mr. Umesh Lal Verma, learned APP for the State. Mr. Verma has earlier received the case diary and has gone through the same.

The petitioners in the present case are seeking regular bail in connection with Sirdalla P.S. Case No.383/2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners and the informant are close agnates and they had a land dispute. It is submitted that these petitioners have been falsely implicated in this case as it would appear that altogether 9 persons have been named in the First Information Report as



assailant. It is further submitted that the allegations are that all of them had assaulted the wife of the informant, who ultimately died, by lathi and iron rod but postmortem report suggest three bruises i.e. 8"x6" on sternum and right side chest found, dark coloured, 6"x5" on right side lower part adjoining upper abdomen present and 1"x ½" on right knee red in colour. It is submitted that the postmortem report suggesting only three injuries on the body of the deceased demonstrates that there are false and overimplication in the present case. The petitioners have otherwise no criminal antecedent.

Learned APP for the State has though opposed the the prayer for regular bail of the petitioner but accepts after going through the case diary that there are general and omnibus allegations of assault against all the accused persons, however, only three injuries have been found on the body of the deceased.

Having regard to the facts and circumstances of the case wherein this Court has noticed that these petitioners are named among 9 accused persons all of them had allegedly assaulted the deceased by lathi, danda and iron rod but the postmortem report does not corroborate the prosecution story at present, the petitioners have otherwise no criminal antecedent and are in custody since 19.11.2019, investigation against them



is complete and further incarceration of the petitioners is not likely to aid in investigation and help the prosecution, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Nawada in connection with Sirdalla P.S. Case No.383 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

