

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16378 of 2020

Arising Out of PS. Case No.-123 Year-2019 Thana- CHANDAUTI District- Gaya

ROHIT YADAV Son of Late Baijnath Yada, Resident of Village - English,
P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Bharti, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 03-07-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Chandauti P.S. Case No.123 of 2019 registered under Sections 341, 323, 307, 325, 379, 504 and 34 of the I.P.C. Subsequently Section 302 of the I.P.C. was added.

The informant Manish Kumar alleged that while he and his friend Ajit Kumar were turning after marriage of Sintu Kumar and when they reached near Durbey Hill, Naresh Yadav, Chunmun Kumar and ten unknown persons stopped the informant and his friend Ajit Kumar and they assaulted the informant and his friend Ajit Kumar with lathi. It is further alleged that Chunmun Kumar took mobile of the informant from his pocket and the accused persons fled away.

Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. During course of investigation, Birendra Yadav (father of Ajit Kumar) gave a petition to the S.H.O. of Chandauti P.S. and he disclosed the names of ten persons in his application and alleged that they all assaulted his son Ajit Kumar and Manish Kumar (informant). His son died during course of treatment. Except Birendra Yadav, no other witness disclosed the name of the petitioner during course of investigation. Petitioner is in jail since 18.11.2019.

Learned A.P.P. did not dispute the fact.

It appears that the informant, who is an eye witness of the occurrence and he was accompanying Ajit Kumar (deceased) on the date of occurrence, disclosed the names of only two persons, namely, Naresh Yadav and Chunmun Kumar. During course of investigation, Birendra Yadav (father of the deceased), that too after many days of the occurrence when his son died, filed petition before the S.H.O. of Chandauti P.S. disclosing therein the names of other accused persons, who are alleged to have assaulted the informant and his friend Ajit Kumar. No specific allegation is made against the petitioner.

Having considered the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of



like amount each to the satisfaction of learned C.J.M., Gaya in
connection with Chandauti P.S. Case No.123 of 2019.

(Prabhat Kumar Jha, J)

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