

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19838 of 2020

Arising Out of PS. Case No.-375 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

1. NARESH YADAV Son of Virodhi Yadav Resident of Village- Babhani, P.S.- Buxar Muffasil, District- Buxar.
2. Bimlesh Yadav @ Mithilesh @ Doangur Yadav Son of Naresh Yadav Resident of Village- Babhani, P.S.- Buxar Muffasil, District- Buxar.
3. Bhuti Yadav @ Akhilesh Yadav Son of Naresh Yadav Resident of Village- Babhani, P.S.- Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-09-2020 Heard the learned counsel for the petitioners and Ms. Veena Kumari Jaiswal, the learned APP for the State.

The petitioners seek regular bail in connection with Buxar Mufassil P.S. Case No. 375 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition



qua the petitioner no. 3 with liberty to renew the prayer for bail after a lapse of 12 months from today.

Accordingly, the present petition qua the petitioner no. 3 stands dismissed, however, with liberty to him to renew his prayer for bail after a lapse of 12 months from today.

The case of the prosecution in brief as per the written petition filed by the informant, namely, Sonu Kumar Yadav, who is the son of the deceased, Sumeshwar Yadav is that on 06.12.2019 at about 9:00 AM., the informant along with his family members were preparing the khalihan when the accused persons including the petitioner herein had forcibly arrived on the field of the informant by forcibly driving a tractor in the middle of the field and upon the father of the informant having protested, the accused persons had threatened him and had told him that they would teach him a lesson. Subsequently, the accused persons including the petitioner herein had again arrived at the alleged place of occurrence, armed with lathi,



danda, vaishakhi, spear etc. and had engaged in assaulting the informant, his father and others. It has been alleged by the informant that the co-accused person, namely, Ganesh Yadav, had fired from country made pistol and in the meantime, the co-accused person, namely, Vishun, armed with vaishakhi, co-accused person, namely, Kishan, armed with lathi, Munna Yadav, Bhuti Yadav @ Akhilesh Yadav (petitioner no. 3) as also the other accused persons had badly assaulted the father of the informant resulting in him sustaining grievous injuries resulting in his death subsequently. In fact, the co-accused person, namely, Ganesh Yadav is alleged to have inserted country made pistol inside the mouth of the father of the informant resulting in blood oozing out from his mouth and head. The other accused persons including the petitioners are also stated to have assaulted the members of the prosecution party resulting in various injuries having been inflicted upon them. The father of the informant is stated to have died during the course of treatment on account of the injuries sustained



by him due to assault by the accused persons.

The learned counsel for the petitioners has submitted that the petitioners no. 1 and 2 are innocent, they have been falsely implicated in the present case and as far as the petitioner no. 1 is concerned, though he was accused in two other cases, however, the same are no longer in existence and as far as the petitioner no. 2 is concerned, he is having a clean antecedent. It is further submitted that the present case arises out of case and counter case and the members of the petitioners' side had also received grievous injuries at the hands of the prosecution party. It is further submitted that a general and omnibus allegation has been levelled as far as the petitioners no. 1 and 2 are concerned and they are languishing in custody since 7.12.2019.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking



into account the fact that no specific allegation of any sort of overt act has been levelled against the petitioners no. 1 and 2 as also taking into account the fact that they are having a fair antecedent and they are languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioners no. 1 and 2 on regular bail.

Accordingly, the above named petitioners no. 1 and 2 are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Buxar in connection with Buxar Mufassil P.S. Case No. 375 of 2019.

(Mohit Kumar Shah, J)

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