

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22205 of 2020**

Arising Out of PS. Case No.-310 Year-2019 Thana- RAMNAGAR District- West Champaran

KAMAL YADAV Son of Basudev Ram Resident of Village - Devraj, P.S.-
Ramnagar, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra,Advocate

For the Informant : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 30-09-2020 Heard learned counsel for the petitioner and Mr. Nityanand Tiwary, learned APP for the State and Mr. Sanjeev Kumar, learned counsel for the informant has entered appearance.

The petitioner in the present case is seeking regular bail in connection with Ram Nagar West Champaran P.S. Case No. 310 of 2019 registered for the offences punishable under Sections 341, 323, 504, 506, 324, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report the son of the informant was assaulted by this petitioner who was allegedly having a farsa in his hand and thereafter the co-accused Arvind Yadav had assaulted the son of the informant by a Gadasi and another co-



accused Vipin Yadav had assaulted again the son of the informant by an iron rod causing him injuries and he ultimately died.

It is the submission of learned counsel for the petitioner that in course of investigation the eye-witness whose statement has been recorded in paragraph '33' of the case diary has stated that co-accused Arvind Yadav had assaulted the son of the informant on his head by an iron rod due to which the bleeding started and he died. This witness had brought the deceased to Primary Health Centre, Ram Nagar for treatment. In paragraph '34' of the case diary the wife of the deceased who has also claimed that she is an eye-witness to the alleged occurrence made a specific allegation that co-accused Arvind Yadav had assaulted on the head of the deceased by an iron rod causing his death. So far as the allegation against this petitioner is concerned, it is also not substantiated from the post mortem report as the post mortem report shows the only injury on the right parietal region of the deceased and the cause of death is neuron hamorrhage shock due to hard and blunt trauma.

Learned counsel, therefore, submits that neither there is any injury of farsa or any other injury on the body suggesting that there was any other assault on the body of the deceased nor



the eye-witnesses have named this petitioner as having in his hand any hard blunt substance causing assault on the head and, therefore, it is a case of false implication of the petitioner.

Learned APP for the State as well Mr. Sanjeev Kumar, learned counsel for the informant have been heard at length. They have though opposed the prayer for regular bail of the petitioner but learned counsel for the informant having gone through the statement of the eye-witnesses in the case diary accepts that in course of investigation the name of co-accused Arvind Yadav has come as an assailant he was having an iron rod in his hand and the injury found in the post mortem report suggests sole injury caused on the head by hard and blunt object.

Having regard to the facts and circumstances of the case, in the nature of the materials which have come in the case diary, the statement of the eye-witnesses and the post mortem report suggesting one injury on the head which the witnesses have specifically attributed to co-accused Arvind Yadav and no farsa injury has been found on the body of the deceased, let the petitioner above named be released on bail in connection with Ram Nagar West Champaran P.S. Case No. 310 of 2019 on furnishing of bail bond of Rs. 25,000/- (Twenty Five thousand)



with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Bagha, subject to the condition as laid down under Section 437 (3) 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, of 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.

(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'.

