

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26917 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- MAHARAJGANJ District- Siwan

JAWAHIR YADAV S/o Shri Bhagwan Yadav Resident of Village-Balaun,
P.S.-Maharajganj, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha

For the Opposite Party : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-10-2020 Heard Mr. Sudhir Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Anil Prasad Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Maharajganj P.S. Case No. 62 of 2020, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Some altercation/quarrel among children of the village is said to be the reason behind the occurrence. Allegedly, the informant and others were on their way to pacify the situation, when the petitioner and other named co-accused persons came and started abusing the informant's father. It is alleged that the petitioner exhorted other persons to kill the deceased, whereafter co-accused Satish Yadav allegedly gave a blow with an iron rod in the head of informant's father. It is alleged that when the deceased fell down on the ground, the



petitioner and others started assaulting him with bricks and sticks. On hearing the screams for help of the informant's father, other persons assembled there, whereafter the accused allegedly fled away. The deceased succumbed to his injuries while being taken to the Primary Health Centre.

Learned counsel appearing on behalf of the petitioner has submitted that even if what has been alleged in the F.I.R. is treated to be true, there is allegation against the petitioner of having exhorted the others to kill the deceased. He contends that the allegation that the petitioner also assaulted the deceased after he had fallen down is mere superimposition in order to add gravity to the occurrence. It has further been pointed out that on medical examination, only two injuries have been found, which falsifies the allegation that all the accused persons had assaulted the victim.

Considering the above noted facts and circumstances, particularly the fact that the petitioner is in custody since 11.03.2020, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Siwan, in Maharajganj P.S. Case No. 62 of



2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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