

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28746 of 2020

Arising Out of PS. Case No.-475 Year-2019 Thana- NAUTAN District- West Champaran

TULSI YADAV Son of Late Bhutali Yadav Resident of Village- Ahir Toli
Ward No.09, Police Station- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr. Abhay Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-12-2020 Heard the learned counsel for the petitioner and

Shri Abhay Kumar No.1, the learned A.P.P. appearing for the

State.

The petitioner seeks regular bail in connection with
Nautan P.S. Case No. 475 of 2019 for the offence punishable
under Sections 302, 504 and other allied sections of the Indian
Penal Code.

The allegation is regarding 12 FIR named accused
persons, on account of land dispute, having assaulted the
husband of the informant causing his death. Specific allegation
of assault is against co-accused Golu Yadav, who is stated to
have inflicted farsa blow on the head of the husband of the
informant, causing grievous injury to him.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 14.12.2019. The learned counsel for the petitioner has further submitted that there is no specific allegation against the petitioner of having engaged in any sort of overt act and specific allegation of assaulting the husband of the informant by farsa is against the co-accused person namely Golu Yadav. It is further submitted that similarly situated co-accused person Guddu Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2020 passed in Cr. Misc. No. 28296 of 2020.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a co-ordinate Bench of this Court, apart from the fact that specific allegation of assault is against the co-accused person namely Golu Yadav, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 475 of 2019.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

