

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30294 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- JAMHOR District- Aurangabad

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DUL YADAV @ NARMADESHWAR SINGH S/o Chandrika Yadav Resident
of Village-Retnaur, P.S.-Jamhore, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Singh, Adv.
For the Opposite Party/s	:	Mr. Ram Sevak Chaudhary, APP
For the informant	:	Mr. Tribhuwan Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, the learned APP for the State, Sri Ram Sevak Chaudhary and Sri Tribhuwan Rai, the learned counsel appearing for the informant.

The petitioner seeks regular bail in connection with Jamhore P.S. Case No. 23 of 2020, registered for the offence punishable under Sections 302, 307, 341, 323, 147, 148, 149 of the Indian Penal



Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 16.04.2020, while the mother of the informant, the deceased, Dhananjay Kumar, and the informant were in their field, the accused persons including the petitioner herein had arrived there variously armed whereafter the co-accused person, namely, Rakesh Kumar, had given sword blow on the deceased, Dhananjay Kumar, causing head injury to him and then, the co-accused person, namely, Jimedar Singh, had also assaulted the deceased. It is further alleged that the co-accused persons, namely, Amul Kumar, Yamuna Yadav, Rahul Kumar and Manish Kumar, had also assaulted the aforesaid three members of the prosecution party. Lastly, it is alleged that though the deceased was rushed to the hospital, but he died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in



custody since 17.04.2020. It is further submitted that as far as the petitioner is concerned, there is no allegation of any sort of overt act. It is also submitted that similarly situated co-accused person has been granted bail by a coordinate Bench of this Court vide order dated 23.11.2020 passed in Criminal Miscellaneous No. 30373 of 2020.

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 petitioner and taking into account the fact that the petitioner has not been alleged to have assaulted either the deceased or the injured persons and he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned CJM, Aurangabad in
connection with Jamhore P.S. Case No. 23 of 2020.

(Mohit Kumar Shah, J)

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