

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83630 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- KOILWAR District- Bhojpur

Baidhynath Yadav @ Rai @ Baijnath Yadav, son of Late Janki Rai Resident
of Village - Pachrukha, P.S.- Koilwar, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since

13.08.2019 in a case registered for the offences

punishable under Sections 147, 148, 149, 302 of the

Indian Penal Code.

The prosecution case as per the fardbeyan of

Pawan Kumar Singh, recorded by S.I. Amit Kumar to

the P.M.C.H. is to the effect that on 19.05.2019 at

3:00 P.M., the informant and his brother Malay Singh



along with other persons were going to caste their votes in Janta High School, Rajapur. In the meantime, 14 named accused persons along with the petitioner and 20-25 unknown persons came variously armed and raised slogans and enquired about the caste of the informant and others. Thereafter, the accused persons started abusing the informant and others. On the order of co-accused Nandjee, the petitioner, Baidhynath Yadav assaulted the brother of the informant, Malay Singh by butt of a pistol, as a result, he fell down. Thereafter, the other accused persons also assaulted the brother of the informant. Subsequently, the brother of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that in the background of election dispute, the accusation has been levelled. There is no accusation of repeating the blow.

A statement has been made in para 3 of the



petition that petitioner is not having any criminal antecedents and the investigation has already been concluded and the petitioner is in custody since 13.08.2019.

Learned counsel for the State Mr. J.N. Thakur submits that the accusation of making assault by butt of the pistol is corroborated by the postmortem report where the haematoma under scalp has been found on the occipital parietal region left temporal area and left frontal region. Subdural haematoma have been found on both sides of the brain and which was the cause of death of the victim.

Considering the rival submissions of the parties, there is no doubt that petitioner is the assailant of the victim but there is no accusation of repeating the blow i.e., the accusation is of making assault by butt of a pistol and the fact that the investigation has already been concluded, coupled with the fact that petitioner is not having any criminal



antecedent, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 152 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case



No. 152 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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