

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84749 of 2019

Arising Out of PS Case No.-86 Year-2016 Thana- ARIYARI District- Sheikhpura

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Pitambar Yadav (M), aged about 44 Years, Son of Kashi Yadav, Resident of Village - Dalher, P.S.- Ariyari, District- Sheikhpura and Permanent resident of Mohalla - Purani Bazar, Ward No. 14, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Rizwanul Haque, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-03-2020

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Ariyari PS Case No. 86 of 2016 dated 30.06.2016 instituted under Sections 302, 307 and 504/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of assault on the deceased leading to his death.

4. Learned counsel for the petitioner submitted that the allegation of assault is general and omnibus against three persons, including the petitioner and though the same is of having given repeated blows, but only three injuries have been found on the deceased. Learned counsel submitted that the deceased was the



full elder brother of the petitioner and the incident occurred as the land which was allotted in the share of the parents of the petitioner, as also the deceased, was being forcibly cultivated by the deceased, which was objected by the father. Learned counsel submitted that witnesses have stated that there was a fight between the two sides in which the deceased received injuries due to which he died. Learned counsel further submitted that the petitioner has no other criminal antecedent and is in custody since 26.10.2019.

5. Learned APP, from the case diary, submitted that the petitioner is also said to have inflicted blow by *khanti*. However, he was not in a position to dispute the fact that the allegation is general against all three persons of repeated blows and only three injuries have been found.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sheikhpura in Ariayari PS Case No. 86 of 2016. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall



not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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