

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16615 of 2021**

Arising Out of PS. Case No.-383 Year-2019 Thana- SIRDALA District- Nawada

Bhola Yadav, aged about 70 years, (Male) S/O Late Latan Yadav R/O Village  
Dubri Bigha, P.S. Sirdala, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      22-10-2021      The matter has been listed today for consideration  
through Video Conferencing.

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour  
his undertaking given in the instant case for depositing the  
requisite court fee and to remove the defects as pointed out by  
office when called upon to do so by the office.

The petitioner seeks bail in Sirdalla PS Case No. 383 of  
2019, instituted for the offence under Section 302/34 of the  
Indian Penal Code.

Learned counsel for the petitioner submits that the  
petitioner and the informant are close agnates and they had a  
land dispute. It is submitted that petitioner has been falsely



implicated in this case as it would appear that altogether 9 persons have been named in the First Information Report as assailant. It is further submitted that the allegations are that all of them had assaulted the wife of the informant, who ultimately died, by *lathi* and iron rod but postmortem report suggests three bruises i.e. 8"x6" on sternum and right side chest found, dark coloured, 6"x5" on right side lower part adjoining upper abdomen present and 1"x ½" on right knee red in colour. It is submitted that the postmortem report suggesting only three injuries on the body of the deceased demonstrates that there are false and over implication in the present case. The petitioner has otherwise no criminal antecedent. Petitioner is father of co-accused Narendra Yadav who has been allowed bail in Cr. Mic. No. 6189 of 2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but accepts after going through the case diary that there are general and omnibus allegations of assault against all the accused persons, however, only three injuries have been found on the body of the deceased.

Having regard to the facts and circumstances of the case wherein this Court has noticed that petitioner is named among 9 accused persons all of them had allegedly assaulted the



deceased by *lathi*, danda and iron rod but the postmortem report does not corroborate the prosecution story at present, the petitioner has otherwise no criminal antecedent and is in custody since 19.11.2019, investigation against him is complete and further incarceration of the petitioner is not likely to aid in investigation and help the prosecution.

In the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner 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 Additional Chief Judicial Magistrate-1, Nawada, in connection with Sirdalla P S Case No. 383 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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