

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25141 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- BARAULI District- Gopalganj

RAMBABU YADAV Son of Sheo Mangal Yadav @ Sheo Mangal Chaudhary
@ Shivmangal Chaudhary Resident of Village - Mirjapur, P.S.- Barauli,
Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304 and 279 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that as a result of dispute over measurement of land, the two named accused persons including the petitioner herein came on their Scorpio vehicle and rode over the 'Samdhi' of the informant. On his not having died, it is stated that they reversed the car and once again went over him. Thereafter, they escaped.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Even as per the FIR named witnesses whose statements were recorded under section 161 Cr.P.C., the accident has taken place as a



result of negligence on part of the driver while reversing the vehicle. It is submitted that the postmortem report does not support the allegations in the FIR in so far as the injuries are stated to have been caused by hard and blunt substance. The petitioner is in custody since 15.12.2020 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the postmortem report, statement of the FIR named witnesses recorded in course of investigation together with the petitioner having remained in custody for more than 1 year, the petitioner is directed to be enlarged on bail in connection with Barauli P.S. Case no. 168 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gopalganj.

(Partha Sarthy, J)

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