

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28265 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- JADOPUR District- Gopalganj

1. Babu Lal Yadav @ Babulal Chaudhary, S/o Late Bhoj Yadav, R/o village- Masan Thana, P.S.- yadavpur, District- Gopalganj
2. Gorakh Yadav, S/o Late Jeut Yadav, R/o village- Masan Thana, P.S.- Yadavpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-12-2021 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners who are in custody since 11.12.2020 seeks bail in connection with Jodopur P.S. Case No.170 of 2020 registered for offence punishable under Sections 147, 341, 323, 324, 307, 302 of the IPC.

Prosecution case in brief, is that on 24.10.2020 at 8 PM while the informant was sitting at his door, all the nine accused persons, named in the FIR, including the petitioners, came there having Lathi, Danda and Bhala in their hands and started throwing fire-wood and asbestos (Karkat) in the land



purchased by the informant which was protested by the informant upon which co-accused, Bullet Yadav gave a Bhala blow causing injury on the left hand of informant and blood was oozing out and when his wife, Tetari Devi, came to rescue the informant, co-accused, Rikesh Yadav assaulted her with Bhala causing injury on her left Gheta (neck) and rest accused persons assaulted them brutally with Lathi and Danda. The informant and his wife were taken to hospital by the villagers but during the course of treatment the informant died.

Learned counsel appearing for the petitioners submit that there is general and omnibus allegation of assault against this petitioners. The specific allegation of assault is against co-accused, Bullet Yadav and Rikesh Yadav, who are alleged to have inflicted Bhala blow on the informant and his wife, respectively. Petitioners are not the assailant of the deceased. Petitioners claim clean antecedent and is in custody since 11.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ist, Gopalganj / successor court in connection with Jodopur P.S. Case No.170 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

Prakash Narayan /-

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