

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29109 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

BABULAL YADAV Son of Shiv Lagan Chaudhary Resident of Village -
Barhani ke Tola, P.S.- Siwan Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Suresh Mishra, learned counsel for the

petitioner and Mr. Vinod Shankar Modi, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Siwan
Muffasil P.S. Case No. 37 of 2021 registered for the offences
punishable under Sections 302, 120(B), 341, 323, 307, 504, 506,
379 and 354/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is
that one Arun Kumar Yadav by means of hockey stick assaulted
the husband of the informant, due to which, he died and the
petitioner along with other accused persons assaulted by means
of *lathi*, *danda*, hockey stick, rod etc. to the informant and her
other family members, due to which, they received injuries.

Learned counsel for the petitioner submits that there is



no specific allegation against the petitioner of assault upon the informant and her family members and the allegation against the petitioner is general and omnibus in nature. He further submits that specific allegation of assault with hockey stick is upon Arun Kumar Yadav, due to which, husband of the informant died. However, learned counsel submits that in the postmortem report, the Doctor has not opined regarding the definite cause of death. He next submits that altogether eight persons have received injuries out of which minor injuries have been found upon four persons and upon remaining four persons, no external injuries have been found. The petitioner is in custody since 24.1.2021 and charge sheet has already been submitted in the matter.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the fact that both the parties are co-villagers and allegation against the petitioner is general and omnibus in nature, the injuries caused to the family members of the informant have been found to be simple in nature and the petitioner is in custody since 24.1.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.10,000/-
(Ten thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Siwan, in
connection with Siwan Muffasil P.S. Case No. 37 of 2021.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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