

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30801 of 2021

Arising Out of PS. Case No.-584 Year-2020 Thana- MADHEPURA District- Madhepura

1. Shankar Yadav S/o Mahendra Yadav R/o village- Yadavnagar, P.S.- Madhepura (Bharrahi), District- Madhepura
2. Tilo Yadav S/o Mahendra Yadav R/o village- Yadavnagar, P.S.- Madhepura (Bharrahi), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2021 Heard both parties.

The petitioners seeks bail in Madhepura (Bharrahi)
P.S. Case No. 584 of 2020, registered for the offence punishable
under Sections 302, 307 and other allied sections of the Indian
Penal Code.

As per the prosecution case, while the informant's
nephew Dheeraj Kumar was returning from attending nature's
call and reached near Kamath of Chandeshwari Yadav, all the
FIR named accused persons including this petitioner surrounded
him and started abusing and beating. It is further alleged that at
the instigation of Tilo Yadav, co-accused Bablesh Yadav gave an
iron rod blow on his head causing injury to him. When the
informant's son came to rescue him then all the accused persons



also caught hold him and other co-accused Nitish Kumar gave a Dabia blow on his head causing bleeding on his head. Thereafter, all the accused person indiscriminately assaulted him with lathi. Later on, informant's son died during course of treatment.

It is submitted on behalf of the petitioners that as the per the FIR petitioner no. 2 is order giver whereas, there is no specific allegation against petitioner no. 1. Specific allegation of assault is against other co-accused persons. Moreover, the occurrence took place on 22.07.2020, but the FIR was lodged on 03.08.2020 i.e., there is delay of 12 days for which there is no plausible explanation. Similarly situated co-accused have been granted bail by this Court vide order dated 23.09.2021 passed in Cr. Misc. No. 13317 of 2021. Petitioner no. 1 is in custody since 06.11.2020 and petitioner no. 2 since 16.01.2021.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 584 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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