

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34836 of 2021

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

RAMAYAN YADAV S/O LATE BHAGRASHAN YADAV R/o village-
Yadopur, P.S.- Yadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, 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 petitioner, 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 Gheti (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 petitioner submits that there is general and omnibus allegation of assault against this petitioner. 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. Petitioner is not the assailant of the deceased. Petitioner claims clean antecedent and is in custody since 25.02.2021 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 petitioner, 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 Sri Devendra Prasad, Judicial Magistrate, 1st class, Gopalganj in connection with Jadopur PS case No. 170/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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