

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34549 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

Ram Chandra Yadav S/O Late Uchit Yadav R/O Village Laualagan, Ward
No.2, P.S.-CHOUSA, District Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Sanjay Kumar Singh
For the Opposite Party/s	:	Mr. Raj Kishore Singh
	:	Mr. Ashok Kumar
	:	Mr. Bibhuti Narayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

The present bail application has been filed on the basis of urgent mentioning slip in which learned counsel for the petitioner stated that petitioner is suffering from serious illness and admitted to IGIMS Patna.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chousa P.S. Case No. 120 of 2020 registered for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms



Act.

Allegation against the petitioner is that petitioner along with other co-accused persons armed with weapons, abused and assaulted brother of the informant while he had gone to *Lauaagan Tinmuhit Chowk* with his three years old son for taking betel leaf and some snaks due to which informant's brother died on the spot. It is alleged that petitioner and other co-accused persons also assaulted the informant. The reason of said occurrence is for withdrawal of a case lodged one year before against the family members of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that from perusal of the F.I.R. it appears that petitioner is the order giver and specific allegation of firing on the deceased is against co-accused *Mithilesh Yadav*. He further submits that witnesses who have supported the prosecution case are family members of the informant and, therefore, they are not the independent witnesses. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 13.11.2020.

Learned APP for the State opposing the bail application submits that petitiioner along with other co-accused persons surrounded the deceased thereafter, petitioner fired upon the deceased.



Considering the facts aforesaid and the fact that there is no specific allegation against the petitioner, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Chousa P.S. Case No. 120 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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