

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34389 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- JAMUI District- Jamui

Dasrath Yadav Son of Late Tota Yadav Resident of Village - Chandwara, P.S.-
Jamui, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the Informant	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jamui P.S. Case No. 155 of 2020 dated 18.03.2020 instituted for
the offences under Sections 147, 148, 149, 341, 326 and 302 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant had specifically alleged against
Sachindra Yadav to have given a blow with sword at the



backside of the neck of the father of the informant and further it is alleged that Dashrath Yadav assaulted with iron rod causing injury on the forehead.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged specific allegation against Sachindra Yadav is of assaulting with sword and against this petitioner it is alleged that he assaulted by iron rod on the forehead of the deceased. Learned counsel for the petitioner has drawn the attention of this Court to Annexure-2 at page 22 of the bail application to show that in the postmortem report it has been clearly recorded that the wounds found on the body of the deceased were caused by sharp edged weapon as there were six incised wounds caused by sharp cutting weapons.

Learned counsel for the petitioner submits that the postmortem report corroborates the allegation of assault against Sachindra Yadav but as far as this petitioner is concerned, it is alleged that he assaulted by iron rod but all the wounds are incised caused by sharp edged cutting weapon as such it is submitted that the informant falsely implicated the present petitioner.

Learned counsel for the informant opposes the prayer for regular bail of the petitioner and submits that there is



allegation of assault by this petitioner on the deceased by iron rod but is not able to meet the submission of learned counsel for the petitioner that in the postmortem report it has come that all the injuries are incised wounds caused by sharp edged cutting weapons and such wounds cannot be caused by assault committed by iron rod.

Learned A.P.P. for the State also opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 12.03.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 155 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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