

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28358 of 2020

Arising Out of PS. Case No.-310 Year-2019 Thana- RAMNAGAR District- West Champaran

1. BIPIN YADAV Son of Late Bachcha Yadav Resident of Village - Semra, P.S.- Ramnagar, District - West Champaran.
2. Arvind Yadav Son of Late Bachcha Yadav Resident of Village - Semra, P.S.- Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-01-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard counsel for the petitioner, counsel for the informant and the State.

The petitioners seek bail in Ramnagar P.S. Case No. 310 of 2019, registered for the offence punishable under Sections 341, 323, 504, 506, 324, 302 and 34 of the Indian Penal Code.

As per prosecution case, petitioner no. 1 assaulted the son of informant by means of iron rod and petitioner no. 2 by means of Gadasa, as a result of which he died.

It is submitted on behalf of petitioners that though there is specific allegation in the FIR against these petitioners,



but during course of investigation, vide para 33 and 34 of the case diary, the statement of witness who claimed to be the eye-witness including the wife of deceased have been recorded in which they had specifically stated that it was petitioner no. 2 Arvind Yadav who assaulted the deceased on his head by means of iron rod causing his death. From perusal of postmortem report it appears that doctor has found only one injury on the right parietal region of the deceased and cause of death is neuro hemorrhage shock due to hard and blunt trauma. Moreover, co-accused Kamal Yadav who was having similar and identical allegation has already been granted regular bail by a coordinate Bench of this court vide order dated 30.09.2020 passed in Cr. Misc. No. 22205 of 2020. Petitioners are in custody since 02.12.2019 having clean antecedent.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that there is specific allegation against Arvind Yadav petitioner no. 2 that it was he who assaulted the deceased on his head by means of Gadasa causing his death.

Considering the facts and circumstances of the case, Bipin Yadav petitioner no. 1, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 310 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

So far as the case of Arvind Yadav petitioner no. 2 is concerned there is specific allegation of assault on the head of deceased by means of Gadasa causing the death of informant's son, I am not inclined to enlarge petitioner no. 2 on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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