

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30499 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- HALSI District- Lakhisarai

MASUDAN YADAV Son of Late Vaso Yadav Resident of Village - Rata,  
P.S.- Halsi, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Krishna Pd. Singh, Sr. Advocate

For the Opposite Party/s : Mr.Md.Iftekar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      08-01-2021                      Heard learned Senior Counsel for the petitioner and  
learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Halsi P.S. Case No. 18/2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that as per the first information report the son of the informant went near the house of this petitioner. It is the allegation that this petitioner along with co-accused Nitish Kumar and Chandan Kumar @ Devan Yadav surrounded him, this petitioner slammed him on the ground and the other co-accused Nitish and Chandan sat over his chest and assaulted him with bricks at his temporal region. It is alleged that son of the



informant became unconscious, the co-villagers went there to save him but the accused persons fled away and while taking him for treatment to Jamui, the son of the informant died on the way.

Learned Senior Counsel submits that so far as this petitioner is concerned, the allegation against him is that he had put the son of the informant down on the earth. The specific allegation of sitting over the chest and assault have been made against the co-accused and not against this petitioner. It is further submitted that the post mortem report of the deceased does not show any external injury on the body of the deceased and it only indicates Hemoperitomium, Liver (lacerated lower part).

It is the submission that in normal course if a person is slammed/put down on the earth with force he will have at least some bruises on his body. Learned Senior Counsel then submits that there is no identification of the alleged occurrence and in the nature of the material before this court the petitioner who has already remained in jail since 04.02.2020, investigation against him is complete and the trial is not likely to be completed in near future, he deserves privilege of bail.

Learned A.P.P. for the State has gone through the case



diary. Learned A.P.P. has informed that in course of investigation some of the witnesses have stated that at about 5:00 P.M. one Pawan Kumar had called the son of the informant and had taken him to a place where the petitioner and co-accused Nitish were present. The witnesses have stated that all the three persons had assaulted the deceased. It has come in the investigation that the deceased had some dispute with the co-accused Pawan Kumar and Nitish Kumar for a sum of Rs. 2500/-.

After going through the post mortem report, learned A.P.P. however confirmed that no external injury has been found on the body of the deceased.

In the given facts and circumstances of the case, where the allegation against the petitioner is that he had slammed/put down on the earth but thereafter he has not indulged in causing assault, the allegations of assault are specific against other co-accused, the post mortem report does not indicate any external injury on the body, the petitioner has remained in jail for almost one year and at this stage there is no submission of the State that the trial is likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1<sup>st</sup> Class, Lakhisarai, in connection with Halsi P.S. Case No. 18 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that they will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

