

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32857 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- GOPALPUR District- Bhagalpur

1. NARESH YADAV Son of Late Jamuni Yadav Resident of Village - Babutola Kamlakund, P.S. Gopalpur, District - Bhagalpur.
2. Birendra Yadav Son of Naresh Yadav Resident of Village - Babutola Kamlakund, P.S. Gopalpur, District - Bhagalpur.
3. Kare Yadav Son of Naresh Yadav Resident of Village - Babutola Kamlakund, P.S. Gopalpur, District - Bhagalpur.
4. Manjesh Yadav Son of Naresh Yadav Resident of Village - Babutola Kamlakund, P.S. Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
		Mr. Rohit Kumar Sharma, Adv.
For the State		Dr. Mritunjaya Kr. Gautam, APP
For the Informant		Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-01-2021 Heard learned senior counsel for the petitioners,

learned APP for the State and learned counsel for the informant.

The petitioners have prayed for grant of regular bail in connection with Gopalpur P.S. Case No. 67 of 2020 registered under sections 341, 323, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, the petitioners herein alongwith others are stated to have assaulted the informant and his father with lathi etc. causing grievous injuries.

It is submitted by learned senior counsel appearing for



the petitioners that from perusal of the FIR itself it would transpire that the dispute between the parties was trivial in nature relating to agricultural field. The allegations against the petitioners are general and omnibus. It is submitted that as a result of the alleged occurrence father of the informant died fifteen days later in course of treatment on 18.3.2020. The petitioners are in custody since 18.3.2020 and have no criminal antecedent. Investigation in this case has concluded.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the four petitioners are named in the FIR but also there is direct allegation against them of having brutally assaulted the informant as also his father. Further referring to various paragraphs of the case diary as also the postmortem report of the deceased and the injury report of the informant, it is submitted that a total of 12 injuries have been found on the informant and his father and many of them being on vital part of the body. It is submitted that the bail of the petitioners be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the death having taken place fifteen days after the alleged



occurrence and the petitioners being in custody since 18.3.2020, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Gopalpur P.S. Case No. 67 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Naugachia, Bhagalpur.

(Partha Sarthy, J)

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