

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33301 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- MANJHAGARH District- Gopalganj

ATUL YADAV S/o Angad Yadav Resident of Village-Mathia, Police Station-
Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh
For the Informant	:	Mr. Ajay Mishra
For the State	:	Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 05-02-2021 Heard both sides.

The petitioner seeks bail in Manjhagarh P.S. case No. 46/2020 registered u/s 341, 323, 307, 302, 504, 34 of the IPC.

The informant, Dhruv Nath Yadav, named seven persons and alleged that his mother Vimla Devi was talking about the share of purchased land of her husband and share of Sadhu Yadav @ Mukesh Yadav and Angad Yadav. On such, Mukesh Yadav @ Sadhu Yadav, Angad Yadav, Atul Yadav, petitioner, Ranjeet Kumar, Reena Devi, Anjali Devi, Reena Devi, wife of Angad Yadav, and Meena Devi having armed with spear and Farsa came and starting abusing the mother of informant. When the informant, his younger brother, Ajay Kumar, Ravi Kumar and his wife Sunita Devi came to save his



mother all the accused persons assaulted them. When Nagendra Yadav, brother-in-law of informant, came to save the informant and his family members, Mukesh Yadav @ Sadhu opened fire causing fire arm injury on his chest. Nagendra Yadav died.

The learned counsel for the petitioner submits that informant and his family members are alleged to have been assaulted by the petitioner and other accused persons but the informant and his family members did not get any serious injury. Vimla Devi got body-ache and Ajay Yadav, brother of the informant, got one bruise injury. There is no injury report of the informant and his family members in the entire case diary. The allegation of killing Nagendra Yadav is against Mukesh Yadav @ Sadhu.

Mr. Ajay Mishra, the learned counsel for the informant, and the learned APP opposed the prayer for bail but very fairly submitted that petitioner is not the assailant of the deceased and similarly situated other accused persons have already been granted bail.

Having regard to the facts that petitioner is not the assailant of the deceased and there is omnibus and general allegation of assault against the petitioner but from perusal of injury report of Vimla Devi and Ajay Yadav it appears that



injuries are simple in nature, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. case No. 46/2020.

(Prabhat Kumar Jha, J)

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