

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40127 of 2020

Arising Out of PS. Case No.-382 Year-2020 Thana- KAHALGAON District- Bhagalpur

DEEPAK YADAV, S/o Dinesh Yadav, R/o Village- Banshipur, P.S.
Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2021 Heard Mr. Viveka Nand Singh, learned Counsel for
the petitioner and Mr. Tarkeshwar Nath Thakur, learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Kahalgaon Police Station Case No. 382 of 2020, disclosing
offences under Sections 302, 323/34 of the Indian Penal Code.

The allegation, as per the First Information Report
is that the the petitioner along with other accused persons
arrived in the field where the informant and his mother were
working and one Dinesh Yadav assaulted the mother of the
informant on her head with *Khanti* and the petitioner allegedly
holding *lathi* in his hand assaulted the informant, her mother
and others due to which the mother of the informant died on the
spot.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute between the parties and both the parties are co-villagers. Learned counsel next submits that petitioner is a Mechanical Engineer and has passed Bachelor of Technology in the year 2018. Learned counsel next referring to Annexure-3 submits that from perusal of the post-mortem report of the deceased (mother of the informant), it would be evident that cause of death is natural and the injury found on the head of the deceased is simple in nature. Learned counsel next submits that there is case and counter case inasmuch as Kahalgaon P.S. Case No.383 of 2020 was lodged by co-accused, Dinesh Yadav, for an incident which has taken place on the same date and time. Learned counsel next submits that petitioner is in custody since 26.06.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that there is no direct allegation of assault on the head of the mother of the informant (since deceased) and the petitioner is in custody since 26.06.2020, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, Deepak Yadav, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon Police Station Case No. 382 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

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