

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40318 of 2020**

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

CHANDESHWARI YADAV S/o Late Hari Yadav R/o village- Bhadol, Ward
No. 5, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 02-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Madhepura (Bharrahi O.P.) Police Station Case No. 512 of
2020, registered for the offence punishable under Sections
147/148/149/341/323/324/307/302/504/506 of the Indian Penal
Code.

The allegation, as per the First Information Report, is
that during the construction of a village road by the Panchayat
Samiti, a scuffle took place between two sides regarding the
level of the road and it has been alleged that the petitioner, along
with other accused persons, forming an unlawful assembly,
armed with weapons, assaulted the uncle of the informant, due
to which he died.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has falsely been implicated in this case due to village politics and from perusal of the First Information Report, it would be evident that at best the petitioner has been alleged to be a member of the unlawful assembly and no overt act has been attributed to him. He, referring to the First Information Report, submits that there is specific allegation against one Vakil Yadav, who twisted the neck of the uncle of the informant and other co-accused persons assaulted the deceased, but there is no specific allegation that the petitioner has also assaulted the deceased and others. He further submits that in the spur of moment owing to the construction of the village road, the incident has taken place and there is no common intention on the part of the petitioner to kill the deceased. He further submits that from perusal of the post mortem examination report, it would be evident that the deceased died due to asphyxia and trauma over trachea and thyroid bone, caused by hard and blunt substance and the allegation of throttling and twisting the neck of the deceased is against co-accused Vakil Yadav and no external injury has been found on the person of the deceased. He next submits that the petitioner is in custody since 04.07.2020 and charge sheet has



been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 04.07.2020, no specific overt act has been attributed against the petitioner and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon 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, Madhepura, in connection with Madhepura (Bharrahi O.P.) Police Station Case No. 512 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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