

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39300 of 2020

Arising Out of PS. Case No.-262 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. SHYAMAL YADAV @ SHYAMAL PRASAD YADAV Son of Late Jagdish Yadav Resident of Village - Suhath, P.S.- Sour Bazar, Distt.- Saharsa.
2. SATISH KUMAR Son of Shyamlal Yadav @ Shyamal Prasad Yadav Resident of Village - Suhath, P.S.- Sour Bazar, Distt.- Saharsa.
3. NITISH KUMAR Son of SHYAMAL YADAV @ SHYAMAL PRASAD YADAV Resident of Village - Suhath, P.S.- Sour Bazar, Distt.- Saharsa.
4. PARMANAND YADAV Son of RASO YADAV Resident of Village - Suhath, P.S.- Sour Bazar, Distt.- Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-03-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State as well as learned Counsel for the informant.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Sour Bazar PS Case No. 262 of 2020 registered under Sections 302, 147, 148, 149, 341, 323, 307, 504 and 506 of the IPC.

As per prosecution case all the 19 accused persons have assaulted informant's brother by various means, who has succumbed to the injuries.

Drawing attention of the Court to the allegations narrated in the FIR, learned Senior Counsel for the petitioner submits that even as per prosecution case allegation of giving fatal assault is against



Santosh Kumar. Against others, there is allegation of indiscriminate assault by various means. The same does not stand corroborated by the injury report, which has found only one fetal injury on the person of the deceased; that too on the head. The petitioners along with others have been implicated in this case on extraneous consideration. They have no criminal antecedent and are in custody since 8.7.2020. Dispute regarding throwing of rain water has led to the occurrence for which Sour Bazar PS Case 263 of 2020 has been lodged from the side of petitioners against the prosecution party.

Learned Counsel for the informant and learned APP have opposed the prayer for bail. It is submitted that several members of the prosecution party have sustained injuries.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Saharsa in Sour Bazar PS Case No. 262 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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