

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40613 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- JADOPUR District- Gopalganj

Upendra Sah Son Of Prayag Sah Sah R/V- Hariharpur, P.S.- Jadopur/Yadopur,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Adv. Mr. Jitendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Pramod Kr. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-02-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Jadopur/Yadopur P.S.
Case No. 61 of 2020 registered for the offence under Sections
341, 323, 302, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, seven named accused persons including this petitioner came and started digging the land of the informant, which was objected by the informant, then one of the co-accused Rahul Kumar threatened him. It is further alleged that when father of the informant went there, all the accused persons started assaulting him with fists and slaps and pushed him in a ditch, as a result of which, father of the informant died.

It is submitted on behalf of petitioner that there is



omnibus allegation of assault against this petitioner. Altogether seven persons are alleged to have assaulted father of the informant. It is further submitted that from perusal of *post-mortem* report, it appears that father of the informant got one swelling on parietal region of head and no further injury was found on any part of his body. There is case and counter case. It is further submitted that similarly situated co-accused namely Pyayag Sah and Suganti Devi have already been granted bail by this Court, vide order dated 05-01-2021 passed in Cr.Misc. No. 35457/2020 and order dated 30-01-2021 passed in Cr.Misc. No. 36464/2020 respectively. Petitioner is in custody since 16-05-2020, having no criminal antecedent, as stated in paragraph – 3 of the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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, Gopalganj in connection with Yadopur/Jadopur P.S. Case No. 61 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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