

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55994 of 2021

Arising Out of PS. Case No.-108 Year-2019 Thana- BARHAT District- Jamui

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1. DHARMENDRA YADAV @ D. P. YADAV SON OF MOHAN YADAV
RESIDENT OF VILLAGE AND POLICE STATION- BARHAT,
DISTRICT- JAMUI
 2. LALAN YADAV SON OF MOHAN YADAV RESIDENT OF VILLAGE
AND POLICE STATION- BARHAT, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-12-2021 Heard the learned counsel for the petitioner and

Ms. Anita Kumari Singh, the learned APP appearing for the

State.

The present petition is by way of second attempt at
the behest of the petitioner for grant of bail in connection with
Barhat PS case no. 108 of 2019, registered under Section 302
and other allied sections of Indian Penal Code, inasmuch as the
petitioner had withdrawn the earlier bail petition filed by him
before this Court.

The case of the prosecution as per the *fardbeyan* of
the informant namely Nawal Kumar is that the accused persons
had abused the informant and when he had protested,



co-accused person namely Dwarika Yadav had given an axe blow on the brother of the informant namely Sailesh Kumar on his head, resulting in his subsequent death. It is also alleged that when the informant had tried to save his brother, other co-accused persons including the petitioner had assaulted him by sticks and fists, resulting in him being injured.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 15.11.2019. The learned counsel for the petitioner has further submitted that apparently, the petitioner has only been alleged to have assaulted the informant, although a general and omnibus allegation has been levelled against all the accused persons of having assaulted the informant. It is also submitted that the injury report would show that the informant had received some injuries, out of which two of them are stated to be grievous in nature, but are stated to have been inflicted on the non-vital parts. It is also submitted that the petitioner has not been alleged to have either assaulted or beaten the brother of the informant who had died subsequently, thus it is submitted that considering the facts and circumstances of the case, the petitioner be enlarged on bail.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail and has submitted by referring to the case diary in question that charge sheet has already been filed against the petitioner, hence the incident has been found to be true.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioner of assaulting the informant and moreover, there is no allegation of the petitioner having assaulted the deceased, apart from the fact that he is languishing in custody since 15.11.2019, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J. 1st, Jamui in connection with Barhat PS case no. 108 of 2019.

(Mohit Kumar Shah, J)

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