

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4463 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- FATEHPUR District- Gaya

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1. GOVERDHAN YADAV SON OF JHANDULAL YADAV @ JHANDUL YADAV RESIDENT OF VILLAGE GANI PIPRA, P.S. FATEHPUR, DISTRICT GAYA
 2. ASHOK YADAV SON OF GOVERDHAN YADAV RESIDENT OF VILLAGE- GANI PIPRA, P.S. FATEHPUR, DISTRICT GAYA
 3. VIKASH YADAV SON OF GOVERDHAN YADAV RESIDENT OF VILLAGE- GANI PIPRA, P.S. FATEHPUR, DISTRICT GAYA
 4. RAJDEO YADAV SON OF GOVERDHAN YADAV RESIDENT OF VILLAGE- GANI PIPRA, P.S. FATEHPUR, DISTRICT GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-04-2021 Heard learned senior counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Fatehpur P.S. Case no. 180 of 2020 registered under sections 304, 147, 341 and 323 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that the accused persons including the four petitioners herein were ploughing the land of the informant and on protest being raised by the informant's father, all of them assaulted the informant's father with box, kicks etc as a result of which he died.

It is submitted by learned senior counsel for the



petitioners that from perusal of the FIR itself it would transpire that the petitioners have been falsely implicated in the case because of land dispute. The manner of occurrence is other than what has been narrated in the FIR and it is for this reason that inspite of allegations of assault by four persons, the postmortem report does not support the allegations in the FIR. As per the postmortem report the antemortem injuries were not sufficient to cause death in normal course of nature and further the death was due to myocardial ischaemia and infarction. It is submitted that the petitioners are in custody since 3.8.2020 and charge sheet has also been submitted under section 304 and other sections of the Indian Penal Code.

It is further submitted by learned senior counsel appearing for the petitioners that the address of the four petitioners in the order dated 23.3.2021 passed in the instant case has been wrongly printed.

Let the address of the four petitioners in the said order dated 23.3.2021 be read as resident of Gani Pipra, P.S. Fatehpur, District Gaya.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the contents of the postmortem report and charge sheet having been submitted, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Fatehpur P.S. Case no. 180



of 2020 on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate X, Gaya.

(Partha Sarthy, J)

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