

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7993 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- BEERPUR District- Begusarai

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1. Bhola Yadav S/o Sagar Yadav Resident of Village - Birpur Rostama Tola Ward No. 13, P.S. - Birpur, District - Begusarai.
 2. Santosh Yadav @ Santosh Kumar Yadav S/o Bhola Yadav Resident of Village - Birpur Rostama Tola Ward No. 13, P.S. - Birpur, District - Begusarai.
 3. Mantosh Kumar @ Mantosh Kumar Yadav S/O Bhola Yadav Resident of Village - Birpur Rostama Tola Ward No. 13, P.S. - Birpur, District - Begusarai.
 4. Arvind Yadav @ Bhoma Yadav S/O Late Sahdeo Yadav Resident of Village - Birpur Rostama Tola Ward No. 13, P.S. - Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-04-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Birpur P.S. Case No. 61 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, on 06.06.2020 at about 4:00 PM, some altercation took place between the children of both the parties in course of playing cricket and thereafter, at 7:00 PM on the same date, all the FIR named accused persons,



including petitioners, and 5-6 unknown persons, came to the house of informant in his absence and started abusing and pelting stones and brick-bat upon family members of informant and upon *hulla*, when the nephew of informant namely Bhagya Narayan Yadav @ Poso Yadav came to rescue them, all the accused persons assaulted him with brick-bat, stones , *lathi-danda* and *Belcha*, as a result of which, he sustained injuries and during course of treatment, died. It is further alleged that all the accused persons intruded into the house of the informant and looted some ornaments and L.C.D. and thereafter, fled away.

It is submitted on behalf of petitioners that on perusal of FIR, it is evident that informant is not eye-witness to the occurrence. There is general and omnibus allegation of abuse and assault against all the accused persons and no specific overt act has been alleged against these petitioners. It is further submitted that petitioner no. 4 is not named in the FIR and his name has come during course of investigation. *Post-mortem* report shows that there is only one injury on the scalp of the deceased. Petitioners claim clean antecedent and are in custody since 16.10.2020.

Considering the aforesaid facts & circumstances and the fact that there is allegation of assault against all the accused



persons, but only one injury has been found on the person of the deceased and there is general and omnibus allegation of assault against petitioners, the bail application 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 A.C.J.M.-VIth, Begusarai in connection with Birpur P.S. Case No. 61 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper 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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