

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10042 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Sushil Yadav Son of Late Suresh Yadav Resident of Village - Ramchandrapur,
P.S. - Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Jagdishpur (Goradih) P. S. Case 146 of 2020 registered under sections 302, 147, 148, 149 and 120B of the Indian Penal Code.

As per allegation in the F.I.R., all the nine named accused persons including the petitioner herein came variously armed. It is further stated that Photo Yadav ordered to kill and thereafter struck with an iron rod on the head of the informant's father which hit him on his shoulder. Thereafter Anil Yadav hit him with a spear on his leg. Abhash Yadav also hit him with a spear causing injury on his hand/shoulder. Thereafter all the accused persons also assaulted him. On being taken to the



hospital he was declared dead.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations made in the F.I.R. are incorrect. There is case and counter case between the parties and the true version has been narrated in the F.I.R. of counter case lodged by Photo Yadav and which is Annexure-3 to the petition. The cause of false implication is land dispute between the parties. The postmortem report does not support the allegations as made in the F.I.R. The petitioner is in custody since 9.5.2020 and his case stands on a similar footing to that of two other co-accused namely, Surendra Yadav and Manish Yadav who have been enlarged on bail vide order dated 20.05.2021 passed in Cr. Misc. No. 10467 of 2021.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the specific allegations of assault being on Photo Yadav, Anil Yadav and Abhash Yadav, grant of bail to the co-accused and the petitioner being in custody for more than a year, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Jagdishpur



(Goradih) P. S. Case 146 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur.

(Partha Sarthy, J)

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