

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9904 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- JAMHOR District- Aurangabad

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RAKESH KUMAR @ PRAN YADAV SON OF SHRI JIMDAR SINGH @
SUBEDAR SINGH VILLAGE- RATNAUR, P.S.- JAMHOR, DISTRICT-
AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur, Amrendra Kumar, Aadvocates
For the State	:	Ms. Pushpa Sinha, APP
For Informant	:	Mr. Tribhuwan Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the fourteen named accused persons including the petitioner herein are stated to have come variously armed. It is stated that the petitioner assaulted the brother of the informant with sword while co-accused Jimmedar Singh, Amul Kumar and Yamuna Yadav also assaulted him with iron rod etc. Other persons were also



assaulted. The brother of the informant died in course of treatment.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. Against the allegation of assault by sword on the petitioner, no incised wound injury has been found in the postmortem report. In the opinion of the doctor injury are caused by hard and blunt substance. It is further submitted that co-accused Yamuna Singh as also a number of others have been enlarged on bail, orders of which have been brought on record as Annexure-4 series to the supplementary affidavit. The petitioner is in custody since 25.4.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant who submits that the postmortem report supports the allegation against the petitioner who is the named accused and against whom there is specific allegation of overt act in the FIR. It is further submitted that the petitioner has a number of criminal antecedents. Further it is surprising as to how when the wound was stitched and bandaged the doctor would opine that the same was caused by hard and blunt substance.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case including the grant of bail to co-accused Yamuna Singh and the petitioner having remained in custody since 25.4.2020, the petitioner is directed to be enlarged on bail in connection with Jamhor P.S. Case no. 23 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, Aurangabad.

(Partha Sarthy, J)

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