

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4356 of 2020

Arising Out of PS. Case No.-322 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. RAMASHANKAR YADAV @ RAMA SHANKAR YADAV Son of Bhadai Yadav Resident of Village - Mathia, Dayaram, P.S.- Kuchaikote, Distt.- Gopalganj.
2. Banshi Yadav Son of Bhadai Yadav Resident of Village - Mathia, Dayaram, P.S.- Kuchaikote, Distt.- Gopalganj.
3. Sunil Yadav Son of Harishankar Yadav Resident of Village - Mathia, Dayaram, P.S.- Kuchaikote, Distt.- Gopalganj.
4. Amresh Yadav Son of Harishankar Yadav Resident of Village - Mathia, Dayaram, P.S.- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Kuchaikote P.S. Case No. 322 of 2019, registered for the offence punishable under Sections 307, 302, 323 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 02.10.2019 at 5.00 pm, while the mother of informant had gone to uproot grass in the paddy field along with Govind Kumar. In the meantime,



petitioners along with co-accused persons were grazing cow and buffalo in the paddy field of informant. On protest, all the accused persons assaulted Govind Yadav, as a result of which he sustained fracture injury on his hand and injury on his head. They also pushed the mother of informant who fell down on the ground and died.

It is submitted on behalf of the petitioners that allegation of assault is general and omnibus. The doctor has found injuries on the person of Govind Kumar to be simple in nature. So far as mother of informant is concerned, she was old lady and died due to fall on the ground and there was no external injury on the person of deceased. Petitioners are alleged to have caused physical assault on the deceased. Petitioners are in custody since 03.10.2019. Chargesheet has already been submitted.

Considering the facts and circumstances of the case and the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Gopalganj in connection with Kuchaikote P.S. Case No. 322 of 2019, subject to following



conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tampes with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

