

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11024 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- SAHPUR District- Bhojpur

1. Raja Muni Devi @ Rajmuni Devi W/o Pancham Yadav Resident of Village -
Lalu Dera, P.s.- Shahpur, (Karnamepur O.P.), Distt.- Bhojpur.
2. Raj Kumar Yadav @ Indal Yadav Son of Pancham Yadav Resident of Village
- Lalu Dera, P.s.- Shahpur, (Karnamepur O.P.), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19826 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- SAHPUR District- Bhojpur

1. Munna Yadav Son of Pancham Yadav R/O Village- Lalu Dera, P.S.- Shahpur
(Karnamepur O.P.), District- Bhojpur At Ara
2. Rameshwar Yadav Son of Late Chandar Yadav R/O Village- Lalu Dera, P.S.-
Shahpur (Karnamepur O.P.), District- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29515 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- SAHPUR District- Bhojpur

Pancham Yadav Son of Chandar Yadav Resident of village - Lalu Ke Dera,
P.S.- Shahpur, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11024 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate



For the State : Mr. Md. Matloob Rab, APP
For the Informant : Mr. Gopal Govind Mishra, Advocate
(In CRIMINAL MISCELLANEOUS No. 19826 of 2022)
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the State : Mr. Narendra Kumar Singh, APP
For the Informant : Mr. Gopal Govind Mishra, Advocate
(In CRIMINAL MISCELLANEOUS No. 29515 of 2022)
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the State : Mr. Anand Kishore Choudhary, APP
For the Informant : Mr. Gopal Govind Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 **Cr. Misc. No. 11024 of 2022**

Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 300 of 2021 registered for the offence under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 18.10.2021.

The allegation against the petitioners is to commit murder of mother of the informant, alongwith other co-accused persons, by causing assault with lathi due previous enmity.

Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to fatal assault is very



much general and omnibus against these petitioners. It is further submitted that only single injury was noticed upon the injured i.e., fracture of occipital bone, which also negate the version of informant/injured, being eye witness, that assault was caused by a total of six accused persons. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Gopal Govind Mishra, appearing on behalf of the informant, while opposing the prayer of bail, submitted that this is a case of collective assault, causing death of mother of the informant.

In view of the facts and circumstances, as mentioned above, and by taking note of general and omnibus accusation with regard to assault, where petitioners are in custody since 18.10.2021 coupled with the fact that chargesheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 300 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-II, Bhojpur at Ara/concerned Court,
subject to the following conditions:

“(i) That accused/petitioners shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioners, duly supported by
the documents.

(ii) That one of the bailors shall be
the deponent of the present bail petition.”

Cr. Misc. No. 19826 of 2022

Heard learned counsel appearing on behalf of the
petitioners, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Shahpur
(Karnamepur O.P.) P.S. Case No. 300 of 2021 registered for the
offence under Sections 341, 323, 307, 302 and 34 of the Indian
Penal Code.



The accused/petitioners are named in the F.I.R. and are in custody since 18.10.2021.

The allegation against the petitioners is to commit murder of mother of the informant, alongwith other co-accused persons, by causing assault with lathi due previous enmity.

Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to fatal assault is very much general and omnibus against these petitioners. It is further submitted that only single injury was noticed upon the injured i.e., fracture of occipital bone, which also negate the version of informant/injured, being eye witness, that assault was caused by a total of six accused persons. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Gopal Govind Mishra, appearing on behalf of the informant, while opposing the prayer of bail, submitted that this is a case of collective assault, causing death of mother of the informant.

In view of the facts and circumstances, as mentioned above, and by taking note of general and omnibus accusation



with regard to assault, where petitioners are in custody since 18.10.2021 coupled with the fact that chargesheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 300 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhojpur at Ara/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

Cr. Misc. No. 29515 of 2022

At the outset, learned counsel for the petitioner submitted that in paragraph no.1, at page no.2, of the bail



petition, inadvertently, one of the sections has been wrongly typed as '3007' instead of '307'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 300 of 2021 registered for the offence under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 18.10.2021.

The allegation against the petitioner is to commit murder of mother of the informant, alongwith other co-accused persons, by causing assault with lathi due previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to fatal assault is very much general and omnibus against this petitioner. It is further



submitted that only single injury was noticed upon the injured i.e., fracture of occipital bone, which also negate the version of informant/injured, being eye witness, that assault was caused by a total of six accused persons. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Gopal Govind Mishra, appearing on behalf of the informant, while opposing the prayer of bail, submitted that this is a case of collective assault, causing death of mother of the informant.

In view of the facts and circumstances, as mentioned above, and by taking note of general and omnibus accusation with regard to assault, where petitioner is in custody since 18.10.2021 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 300 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhojpur at Ara/concerned Court, subject



to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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