

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15466 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- CHANDAN District- Banka

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UMESH YADAV, SON OF JEEVLAL YADAV, Resident of Village- Biyahi,
P.S.- Chandan, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 16-08-2022 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner has preferred this application for grant

of regular bail in a case registered u/s 147, 148, 149, 452, 323,

324, 307, 302, 120B of the Indian Penal Code.

As per prosecution case, co-accused Umesh Yadav

abused and forbade the informant's bhabhi for going to that

pathway. On being objected, all of a sudden the petitioner and

co-accused persons holding weapons came to the courtyard of

the informant's house. They started assaulting his family



members. Accused Birendra Yadav was assaulting his father with iron rod and the petitioner, Umesh Yadav was shouting to kill after catching hold of the hand of the informant's father. When Kiran Devi, Neelam Devi and Guria Devi came to rescue, co-accused Ajay Yadav assaulted on the head of Kiran Devi with Farsa. Co-accused Sanjay Yadav assaulted on the head of Neelam Devi with Fasli causing head injury and co-accused Shambhu Yadav assaulted on the head of Guria Devi with axe causing head injury. Co-accused Lal Yadav also assaulted on the head and legs of Baikunth Yadav and Kamdeo Yadav with sword. It is further stated that all the accused persons in connivance with one another assaulted the informant's father with an intention to kill. The injured were brought to Primary Health Centre, Chandan from where the informant's father was referred to Sadar Hospital, Deoghar where the doctor declared him dead during treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case on account of passage dispute. Learned counsel for the petitioner has further submitted that the petitioner has not assaulted the father of the informant rather he caught hold of the deceased. The main allegation is against the co-accused,



Birendra Yadav. The petitioner is also accused in one more criminal case as stated in para 3 of the bail petition which is not related to heinous nature of offence. The petitioner is in custody since 31.07.2021.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that there is specific allegation against the co-accused, Birendra Yadav, of assaulting the deceased with iron rod. The Post-mortem report suggest that cause of death is head injury associated with haemorrhage and shock caused by hard and blunt substance.

Considering the aforesaid facts and circumstances as well as period of detention, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No. 118 of 2021.

The application stands allowed.

(Chandra Prakash Singh, J)

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