

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17859 of 2022

Arising Out of PS. Case No.-325 Year-2020 Thana- BIHIA District- Bhojpur

1. Kamalvas Yadav Son of Ramsundar Yadav Resident of Village - Fulai, P.S.- Bihia, District - Bhojpur.
2. Shivjee Yadav @ Shiojee Yadav Son of Ramdhari Singh Resident of Village - Fulai, P.S.- Bihia, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

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

The petitioners seek bail in connection with Bihia P.S.
Case No. 325 of 2020 registered for the offence under Sections
302 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R., where
petitioner no.1 is in custody since 25.07.2021 and petitioner
no.2 is in custody since 28.07.2021.

The allegation against the petitioners is to assault
father of the informant, causing injury, who died during the
course of treatment.



Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to fatal assault, is against co-accused, namely, Ram Sundar Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 34560 of 2021 dated 07.12.2021. It is submitted that allegation of assault against the petitioners is very much general and omnibus. 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 appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that specific allegation, as regard to fatal assault, is against co-accused, namely, Ram Sundar Yadav.

In view of the facts and circumstances, as mentioned above, as allegation of assault against the petitioners is very much general and omnibus, rather same is specific against co-accused, namely, Ram Sundar Yadav coupled with the fact that petitioners are persons of clean antecedent where chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with



Bihia P.S. Case No. 325 of 2020 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-V, Bhojpur at Ara, 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 Tetari Devi, who is the mother of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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