

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28107 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- FATEHPUR District- Gaya

PRABHU YADAV Son of Late Sonu Yadav Resident of Village - Dharhara
Khurd, P.S.- Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Vashist, Advocate
For the State	:	Mr. Nagendra Kumar Singh, APP
For the Informant	:	Mr. Onkar Nath, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-02-2022 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 sections 308, 323, 325, 341, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the five named accused persons including the petitioner herein came variously armed with lathi, iron rod etc and brutally assaulted the husband of the informant who was taken in an injured condition to home. The accused persons went away abusing and giving threats.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. The allegations are general and omnibus in nature. The



husband of the informant died in course of treatment seven days later. From perusal of the postmortem report it would transpire that the cause of death in the opinion of the doctor was septicemic shock as a result of infected injuries as noted in the postmortem report. The petitioner is in custody since 13.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation leveled against him in the FIR which has also been supported by the injured husband of the informant himself in his statement under section 161 Cr.P.C before his death.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the general and omnibus allegation against the petitioner together with the contents of the postmortem report and the petitioner having remained in custody for 1 year 3 months, the Court directs the petitioner to be enlarged on bail in connection with Fatehpur P.S. Case no. 191 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 Additional Chief



Judicial magistrate X, Gaya.

(Partha Sarthy, J)

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