

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22042 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- SAHARGHAT District- Madhubani

1. RAM BHAROSH YADAV SON OF LATE ASHARFI YADAV R/O VILLAGE- BASHABARIYA, P.S.- SAHARGHAT, DISTRICT- MADHUBANI.
2. MEERA DEVI WIFE OF MR. RAM BHAROSH YADAV R/O VILLAGE- BASHABARIYA, P.S.- SAHARGHAT, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Udbhav
For the Opposite Party/s :	Mr. Rajesh Ranjan
	Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, petitioner No.1 is alleged to have assaulted the deceased with iron rod on her head as a result of which she sustained injuries and died during the course of treatment. There is general and omnibus allegation of assault against petitioner No.2.

Learned counsel appearing for the petitioners submits that there is land dispute between the parties and due to the land



dispute some scuffle took place in which deceased sustained injuries and there was no intention to kill the deceased. Petitioner No.1 is aged about 66 years and petitioner No.2 is aged about 64 years and they are in custody since 25.08.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is direct and specific allegation against petitioner No.1 of assaulting the deceased with iron rod.

Considering the nature of allegation and gravity of offence, petition for bail of petitioner No.1 is rejected.

Considering the facts of the case, the period of custody of the petitioner No.2 and the fact that she is a lady, let the petitioner No.2, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Benipatti, Madhubani in connection with Saharghat PS case No. 58/2020 on the following conditions:-

(1) Petitioner 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 on his/ her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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