

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30621 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- BHITAHA District- West Champaran

1. UMA SHANKAR YADAV Son of Late Mahatam Yadav Resident of Village - Purvi Bhagwanpur, P.S.- Bhitaha, Distt.- West Champaran
2. Ratnesh Yadav Son of Uma Shankar Yadav Resident of Village - Purvi Bhagwanpur, P.S.- Bhitaha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P Sinha, Sr. Advocate Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Randhir Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code.

As per the prosecution case, the four named accused persons are stated to have come variously armed and of having assaulted the husband and son of the informant indiscriminately as a result of which they were injured and the husband of the informant died in course of treatment on the next day.

It is submitted by learned senior counsel for the petitioners that the parties are agnates. The petitioners have been falsely implicated in the case because of pending disputes which would be evident from the FIR itself. It is further submitted that from the contents of the postmortem report it would be evident that the same does not support the allegations of indiscriminate assault as levelled in the FIR. The petitioners are in custody



since 14.5.2020 and 9.6.2020 respectively. They have no criminal antecedent and charge sheet has been submitted in the case.

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 petitioners are named in the FIR but there is direct allegation against them of having brutally assaulted the informant's family leading to death. Postmortem report supports the allegations made in the FIR.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners having remained in custody for over 1 year 6 months, the Court directs the two petitioners to be enlarged on bail in connection with Trial no. 2378 of 2020 (arising out of Bhitaha P.S. Case no. 57 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Bagaha, West Champaran.

(Partha Sarthy, J)

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