

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35958 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- KASMA District- Aurangabad

1. SHAMBHU YADAV S/o Late Laxman Yadav @ Late Lakshman Yadav Resident of Village- Khairy Etwa, P.S.- Kasma, District- Aurangabad (Bihar).
2. Billu Yadav S/o Shambhu Yadav Resident of Village- Khairy Etwa, P.S.- Kasma, District- Aurangabad (Bihar).
3. Rajesh Yadav S/o Shambhu Yadav Resident of Village- Khairy Etwa, P.S.- Kasma, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-01-2022 Heard learned counsel for the petitioners and the State.

The matter has been taken up through video conferencing.

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

As per the prosecution case, these petitioners armed with Lathi, Danda etc. assaulted the father and mother of informant. Later on, during the course of treatment, father of informant succumbed to the injuries.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in the case due to land dispute between the parties over partition of land. The case is belatedly lodged after death of father of informant. There is general and omnibus allegation of assault against these petitioners. The post mortem report does not substantiate the allegation made in the FIR as it is alleged in the FIR that three accused persons assaulted the father of informant but only one injury has been found on the dead body of deceased. Petitioner No.1 is in custody since 04.01.2021 and petitioners No.2 and 3 are in custody since 21.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, 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 Chief Judicial Magistrate, Aurangabad in connection with Kasma PS case No.86/2020.

(Prabhat Kumar Singh, J)

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