

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24089 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- SINGHWARA District- Darbhanga

1. MAHESH YADAV S/O LATE YOGENDRA YADAV R/o village- Gogoul, P.S.- Singhwara, District- Darbhanga
2. Mukesh Yadav S/o Mahesh Yadav R/o village- Gogoul, P.S.- Singhwara, District- Darbhanga
3. Ashok Yadav S/o Mahesh Yadav R/o village- Gogoul, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Singhwara P.S. Case No. 57 of 2021 registered for the alleged offences under Sections 341, 323, 379, 302, 504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioners and co-accused persons assaulted the informant and his family



members causing injuries to them. Co-accused Sanjeev Yadav allegedly strangled the mother of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and informant are agnates and dispute was over the use of public hand pump and some scuffle took place. The mother of the informant was quite old and suffering from a number of diseases. She fell down over the '*naad*' but she was not assaulted by either of the petitioners or any of the accused persons. Rather she was being forcibly taken away by the informant and during one such jolt, she fell down and sustained injuries and later on, succumbed to these injuries. During investigation, her another son, nephew, daughter-in-law and other witnesses have stated before the Investigating Officer about the real occurrence but the statement was not recorded with true intent. These persons have sworn affidavit before notary and they have stated that the victim died after falling down on '*naad*' and not in any assault. If the prosecution version is taken to be true, the allegation of strangulation is against the co-accused Sanjeev Yadav. In the inquest report as well as post-mortem report, no external injury was found on the body. From the post-mortem report, it transpires that she had



injury over the right side of the neck and head resulting in her death. For which, there is general and omnibus allegation against the petitioners. Learned counsel further submits that entire family of the petitioners have been made accused in this case. It shows the falsity of the allegation. Charge sheet has been submitted in this case and the petitioners are in custody since 19.12.2021.

Learned APP opposes the prayer for bail of the petitioners submitting that due to assault by the petitioners, the mother of the informant lost her life.

Perused the records.

Having regard to the submission made on behalf of the parties and especially the submission made on behalf of the petitioners that the deceased was not assaulted and probably fall down on '*naad*' and also the clean antecedent of the petitioners and further submission of charge sheet along with the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Singhwara P.S. Case No. 57 of 2021, subject to the conditions mentioned in Section



437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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