

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26221 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- RAJAON District- Banka

SHIV CHARAN YADAV @ SHIPACHU YADAV S/O GHOLTU YADAV @
GHOLTI YADAV R/o village- Gopalpur, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-11-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 read with 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and other co-accused persons armed with *lathi*, *danda* and *katta* came to the house of the informant and assaulted the



informant's son indiscriminately causing head injury due to which the victim died during the course of treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. There is general and omnibus allegation against the petitioner. There is a delay of 5 days in lodging of the FIR. There is no eye witness to support the case of the prosecution. The petitioner is in custody since 31.01.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Rajaon P.S. Case No. 221 of 2021, with a condition:-

1. The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution would be at liberty.

The application stands allowed.

(Chandra Prakash Singh, J)

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