

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39788 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- GWALPARA District- Madhepura

UMESH YADAV @ UMESH KUMAR YADAV Son of Late Lakhan Yadav
Resident of Village - Parokiya, Ward No. 08, Police Station - Gwalpara (Arar
O.P.), District - Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Gwalpara P.S. Case No. 30 of 2020, for the offence punishable
under Sections 302 and 427/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 02.03.2020,
while informant was at the house of Sarpanch, he got
information that his father was being brutally assaulted at the
house. He rushed to his house and saw accused persons named
in the F.I.R. were beating his father, who sustained injury on his
head and eyes died while being brought to Sadar Hospital,
Madhepura for better treatment.

Learned counsel appearing on behalf of the petitioner



submits that the deceased is the father of the petitioner as well as informant. Ugly fight took place between the three brothers for partition. The father of the petitioner had intervened to pacify between them had sustained injury. There is general and omnibus allegation against the petitioner and others. The petitioner is in custody since 07.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, it appears that the allegation is general and omnibus against five named accused persons including the petitioner. Informant and accused are family members. It is admitted that the incident took place for partition of the land among the three brothers and in course of the said partition, the three brothers started fighting among themselves, the father of the petitioner intervened and sustained injuries and died. In paragraph No. 39 of the case diary, independent witness have stated that the father of the petitioner had tried to stop the quarrel between the three brothers. There is general and omnibus allegation of assault. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of the learned A.C.J.M-II, Uda-Kishunganj, Madhepura in connection with Gwalpara (Arar O.P) P.S. Case No. 30 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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