

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40863 of 2021

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

ARUN YADAV Son of Late Hari Yadav Resident of Village - Bhadaul, Ward
No. 5, P.S. - Madhepura (Bharrahi O.P.), District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Durgesh Kumar, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Surya Narayan Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 512 of 2020 for the offence registered
under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and
506 of the Indian Penal Code.

As per the prosecution case, during road construction
work being done by Panchayat Samiti, scuffle took place
between the parties. It is alleged that all the FIR named accused
persons including the petitioner, armed with various weapons,
and 8-10 unknown persons had assaulted the uncle of the
informant as a result of which he fell down on the ground and
then a co-accused person namely Wakil Yadav is alleged to have
pressed his neck causing his death.



The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case due to village politics. From bare perusal of FIR, it would be apparent that specific allegation of pressing the neck of deceased is against co-accused Wakil Yadav. No specific overt act is alleged against this petitioner. From perusal of postmortem report, it appears that the deceased died due to Asphyxia caused by hard and blunt substance and no external injury has been found on the person of deceased. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 02.03.2021 passed in Cr. Misc. no. 40318 of 2020, order dated 16.07.2021 passed in Cr. Misc. no. 7318 of 2021 and order dated 05.10.2021, passed in Cr. Misc. no. 39628 of 2021. Moreover, the petitioner is stated to be languishing in custody since 15.02.2021, having a clean antecedent.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that specific allegation of pressing the



neck of the deceased is against the co-accused namely Wakil Yadav and as far as the petitioner is concerned, he is not alleged to have engaged in any sort of overt act and moreover, the postmortem report shows that the deceased died due to asphyxia on account of injury caused by hard and blunt substance. Moreover, considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit & proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Madhepura in connection with Madhepura PS case no. 512 of 2020.

(Mohit Kumar Shah, J)

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