

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40721 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- PIPRA District- Supaul

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1. SITARAM YADAV S/O LATE DAHU YADAV
 2. LAKHAN YADAV S/O SITARAM YADAV
Both RESIDENT AT KAUSHALIPATTI, TEKANA TOLA, P.S-PIPRA,
DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with
Pipra P.S. Case No. 152 of 2020 instituted for the offences under
Sections 147, 148, 149 and 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 19.02.2021, charge-sheet has
been submitted and have antecedent of one case. Learned
counsel further submits that the case was instituted by the
brother of the present informant.

Learned counsel for the petitioners submits that the
informant alleges that Bablu Yadav along with six named



accused persons including the petitioners came at the door of the informant and Bablu Yadav assaulted his brother (deceased) with a farsa on the head leading to injury and Lakhan Yadav (petitioner no. 2) along with Rajdev Yadav assaulted with iron rod till the brother of the informant became unconscious and other accused assaulted the informant and his family member. It is further alleged that brother of the informant died during the course of treatment.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the main thrust of the allegation is against Bablu Yadav who is alleged to have assaulted the deceased by farsa on the head. As far as petitioner no. 1 is concerned, the allegation against him is general and omnibus in nature and with respect to petitioner no. 2, it is alleged that he along with Rajdev Yadav assaulted with iron rod till the deceased became unconscious. Learned counsel draws the attention of the Court to the postmortem report of the deceased and from perusal of the same it would manifest that the injury corroborates the allegation of assault against Bablu Yadav. Learned counsel further submits that the entire family members have been implicated in the case. The date of occurrence is 10.06.2020 and the FIR came to be



instituted on 13.06.2020 i.e. after a delay of three days without any plausible explanation and also the FIR was instituted after the postmortem report. Learned counsel submits that this also leads to an inference that the informant was not an eyewitness to the occurrence and it was only after the postmortem report he instituted the present FIR with the aforesaid allegation.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in this case and the case in which the petitioners are implicated was instituted by brother of the informant and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Pipra P.S. Case No. 152 of 2020.

(Satyavrat Verma, J)

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