

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43479 of 2021

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

RAJDEV YADAV S/O LATE JANAK YADAV RESIDENT AT
KAUSHALIPATTI, TEKANA, 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. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner 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 petitioner seeks 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 petitioner submits that the
petitioner is in custody since 19.02.2021, charge-sheet has been
submitted and has antecedent of one case. Learned counsel
submits that the case was instituted by the brother of the present
informant.

Learned counsel for the petitioner submits that the
informant alleges that Bablu Yadav along with six named
accused persons including the petitioner 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 along with Rajdev Yadav (petitioner) 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 petitioner 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. Learned counsel further submits that petitioner along with Lakhan 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 petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and the case in which the petitioner is implicated was instituted by brother of the informant and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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)

Kundan/-

U		T	
---	--	---	--

