

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42100 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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SHYAM KISHOR @ SHYAMAL KISHOR YADAV S/O LATE RAMDEO
YADAV R/o village- Rampur Khora Ward No. 11, P.S.- Uda-Kishunganj,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Anil Kumar

Mr. Mithilesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Petitioner seeks regular bail in connection with Uda-
Kishunganj P.S. Case No. 368 of 2020 registered for the offence
under Sections 147, 148 , 149, 341 , 323 , 324, 307, 302 of the
I.P.C.

As per the first information report the petitioner along
with other family members assembled near the land of younger
brother of the informant and started cutting ridge of the share of
land of his younger brother Anil Yadav when his brother Anil
Yadav and Rakesh Yadav went there and raised protest the
petitioner ordered his younger son – Chhotu Yadav to kill Anil
Yadav. Accordingly, Chhotu Yadav assaulted on the back side of



the head of the brother of the informant Anil Yadav by means of spade due to which he died in hospital. It has further been alleged that petitioner assaulted on the head of his cousin brother Rakesh Yadav by means of spade causing injury on his head, thereafter, all the FIR named accused persons started assaulting the informant and both the injured persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely because he happens to be father of the co-accused Chhotu Yadav and other accused persons. He further submits that petitioner is not the assailant of the deceased and the only allegation against the petitioner is that he is the order giver and further he assaulted by means of spade to the cousin brother of the informant Rakesh Yadav. Referring to Annexure-3 to the bail application which is injury report of Rakesh Yadav, learned counsel submits that Rakesh Yadav has received lacerated wound near his head, whereas allegation against the petitioner is of assault upon him by means of sharp cutting weapon i.e. spade. He further submits that informant has received simple injury which would be evident from Annexure 4 to the bail application. The petitioner has got no criminal antecedent and he is in custody for about more than one year i.e. since 20 / 1 /



2021 and charge sheet has already been submitted. There is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail, there is land dispute between the parties and both the parties are next door neighbours.

On the other hand, Mr. Mithilesh Kumar Singh, learned counsel for the informant and learned counsel for State vehemently opposed the prayer for bail and submit that petitioner is the order giver and upon his exhortation the co-accused / Chhotu Yadav assaulted the brother of the informant due to which he died. He further submits that allegation against the petitioner is also of assault upon cousin brother of the informant Rakesh Yadav due to which he received grievous injuries.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner has got no criminal antecedent, there is land dispute between the parties, both the parties are neighbours, allegation upon the petitioner is that he assaulted the cousin brother of the informant by means of spade whereas he received lacerated wound caused by hard and blunt substance, petitioner is in custody since 20 / 1 / 2021, there is no likelihood that he will abscond or tamper with the evidence if



released on bail, charge sheet has already been submitted and trial is not likely to be concluded in near future due to Covid 19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Uda Kishunganj in connection with Uda-Kishunganj P.S. Case No. 368 of 2020.

(Anil Kumar Sinha, J)

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