

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42763 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- SINGHWARA District- Darbhanga

PARIKSHAN YADAV S/o Shiv Nandan Yadav Resident of Village- Bhagwati
Pur, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha
		Mr. Kedar Jha
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Singhwara Police Station Case No. 226 of 2020, registered for
the offences punishable under Sections 302/120-B of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that the informant along with his younger brother and
other family members have gone to participate in a marriage
ceremony where the accused persons, including the petitioner,
arrived in drunken condition and out of them three accused
persons, namely, Gurusharan Yadav, Pankaj Yadav and Rajaram
Yadav were armed with iron punch in their hands and they



started quarrelling with the informant and his family members. It has been alleged that upon the objection being raised by the informant, they assaulted him and in the meanwhile, the brother of the informant, namely, Manoj Kumar Yadav, came to save him and then, the petitioner caught hold the waist of the brother of the informant and all other accused persons assaulted him brutally and co-accused Gurusharan Yadav assaulted Manoj kumar Yadav by means of iron-punch near one side of his ear, co-accused Pankaj Yadav assaulted him on the other side of the ear while co-accused Rajaram Yadav assaulted him by means of iron-punch on the back of his head, due to which the brother of the informant, namely, Manoj kumar Yadav, fell down on the ground and died subsequently.

Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to local politics and he has not committed any offence in the manner alleged. He further submits that from perusal of the First Information Report, it would be evident that the petitioner was not in drunken condition and no allegation of assault has been attributed against him; rather the allegation of assault is attributed to other three accused persons. He further submits that the petitioner was trying to pacify the quarrel between the



informant and the accused persons in the marriage ceremony. He further submits that the petitioner is in custody since 05.02.2021, having no criminal antecedent and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, he is not the assailant, charge sheet has already been submitted and the petitioner is in custody since 05.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Singhwara Police Station Case No. 226 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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