

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45892 of 2021

Arising Out of PS. Case No.-234 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

NAGENDRA YADAV @ NAGENDAR YADAV Son of Rudal Yadav
Resident of Village - Amarpura, P.S.- Mahammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner seeks bail in connection with Mahammadpur P.S. Case no. 234 of 2020 registered for the offence punishable under sections 341,323, 302, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 27.6.2021, is person with clean antecedent and charge sheet has been submitted. Learned counsel for the petitioner submits that the informant in the FIR



alleges that his son Sonu Tiwari (deceased) was taken by Vikas Yadav, Ajit Yadav, Ishwar Patel and Manoj Kr. Verma which was witnessed by Lal Bahadur Tiwari when daughter of the informant who was strolling on road also saw the aforesaid accused taking her brother and hence she asked them where they are taking her brother on which Manoj Kr. Verma said that in Sheo Charcha. Thereafter, it is alleged that after taking his son named accused persons including the petitioner assaulted the deceased by lathi and danta on the allegation that he is thief and he was handed over to the police but his son died. Learned counsel submits that the petitioner has been falsely implicated in the present case as would be evident from the submission made hereinafter. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that there is specific allegation against four persons who were taking away the son of the informant and FIR does not even remotely suggest that the petitioner was also one of the persons who was involved in taking away the son of the informant. It is further submitted that name of four accused who were taking away son of the informant was disclosed by eye-witness Lal Bahadur Tiwari and daughter of the informant. Learned counsel submits that as far as assault is concerned in that it is alleged



that named accused persons including the petitioner assaulted leading to death of son of the informant but there is no eye-witness to the occurrence on assault. Learned counsel submits that the petitioner is husband of elected Sarpanch and thus has been falsely implicated because of village politics. It is further submitted that one Usha Devi instituted Mahammadpur P.S. Case no. 233 of 2020 alleging that deceased had entered into her house for committing theft and was caught and thus was assaulted by her and her son by lathi and danta on account of which he sustained injury on head and leg. Learned counsel thus submits that Usha Devi in the FIR specially stated that the deceased was caught by her and assaulted as he had entered into her house in which he sustained injury. Learned counsel thus submits that the petitioner has been falsely implicated in the present case merely because some villagers inimical to him have given statement against him.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted, is a person with clean antecedent and Mahammadpur P.S. Case no. 233 of 2020 was instituted as aforesaid and there is no eye-witness to the occurrence on assault, the petitioner is directed to be released on



bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with
two sureties of the like amount each to the satisfaction of the
Addl. Chief Judicial Magistrate I, Gopalganj in Mahammadpur
P.S. Case no. 234 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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