

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46330 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- KHIJARSARAI District- Gaya

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Sanjay Yadav Son of Ramanand Yadav Resident of Village - Bakthar, P.s -
Khizarsarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Durgesh Nandan, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khizarsarai P.S. Case No. 97 of 2020 registered for the offence
under Sections 341, 323, 379, 308, 427, 504 and 34 of the
Indian Penal Code but subsequently, it was converted into
offence under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.02.2021.



The allegation against the petitioner is to assault father of the informant, alongwith other co-accused persons with lathi and brickbat, due to which the injured died subsequently.

Learned counsel appearing on behalf of the petitioner submitted that if the version of F.I.R. is accepting on its face, then this is not a case of specific assault rather same is very much general and omnibus. It is submitted that the property dispute is the admitted fact for the present set of occurrence. It is further submitted that the maximum allegation, what is surviving against this petitioner, as per F.I.R., is only to snatch the chain of the informant. It is also submitted that similarly situated co-accused persons has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 81 of 2021 dated 23.07.2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that during the course of investigation, son-in-law of the deceased stated specifically



against this petitioner to cause fatal blow, whereas, fairly conceded that rest of the witnesses including the informant and other family members, claimed them to be an eye witness of the occurrence, stated thereof that assault caused by the petitioner is very much general and omnibus.

In view of the facts and circumstances as mentioned above, as allegation, as regard to assault, is appearing, *prima facie*, very much general and omnibus against the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khizarsarai P.S. Case No. 97 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Prabhu Yadav, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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