

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48399 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- PANJWARA District- Banka

1. Sikandar Yadav Son of Late Jahuri Yadav Resident of Village- Nilghari, P.S.- Panjwara, District- Banka.
2. Lalmohan Yadav Son of Late Jahuri Yadav Resident of Village- Nilghari, P.S.- Panjwara, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Informant	:	Mr. Durga Nand Jha, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

The petitioners seek bail in connection with Panjwara P.S. Case No. 49 of 2021 instituted for the offences under Sections 147, 149, 447, 448, 337, 338, 323, 302, 307, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 18.05.2021, are persons with clean antecedent, charge-sheet has been submitted in the case, petitioner no. 1 is aged about 60 years and petitioner no. 2 is aged about 70 years.

Learned counsel for the petitioners submits that



informant in the F.I.R. alleges that on 17.05.2021 while he was sitting in his courtyard then 18 accused persons including the petitioners came and assaulted his mother aged about 70 years and threw her on the ground with such force that she died at the spot. Further, his father sustained serious injury and also that the accused assaulted the family members by means of fist and slap and the reason for the occurrence was that the accused suspected that their daughter's marriage broke because of informant's family.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations are general and omnibus in nature and no specific allegation has been alleged against these petitioners. Further, the petitioners are themselves old persons and petitioner no. 2 is suffering from various ailments and is nearly bed-ridden. Further, petitioner no. 1 also suffers from ailments. Learned counsel submits that when the marriage of the daughter of the petitioner's family broke the informant and his side were rejoicing as a result of which there was an altercation in which the mother of the informant also joined and it may a possibility that she fell and died. It is thus submitted that the act was not intentional on the part of the accused persons, though the present petitioners had not even gone to the house of the informant and



came to be implicated merely because they are family members.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for bail of the petitioners. Learned counsel for the informant submits that there is direct allegation that the mother of the informant who was aged 70 years was thrown on the ground as a result of which she died at the spot but is not able to meet the submission of learned counsel for the petitioners that no specific allegation has been alleged against these petitioners who are also senior citizens.

Considering the fact that the petitioners are in custody since 18.05.2021, charge-sheet has been submitted in the case petitioners are persons with clean antecedent, no specific allegation has been alleged against them and are senior citizens, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Panjwara P.S. Case No. 49 of 2021.

(Satyavrat Verma, J)

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