

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50940 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- BRAHMPUR District- Buxar

1. SUKHARI YADAV Son of Dwarika Yadav Resident of Village - Nimej, P.S. - Brahampur, District - Buxar.
2. Hareram Yadav Son of Late Vishwanath Yadav Resident of Village - Nimej, P.S. - Brahampur, District - Buxar.
3. Uma Shankar Yadav Son of Hareram Yadav Resident of Village - Nimej, P.S. - Brahampur, District - Buxar.
4. Sadhu Yadav Son of Late Sheo Person Yadav Resident of Village - Nimej, P.S. - Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Nitya Nand Tiwary, Adv.
For the Opposite Party/s	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Bachan Jee Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-05-2022 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioners, Mr. Bharat Lal, learned Additional Public Prosecutor for the State and Mr. Bachan Jee Ojha for the informant.

Petitioners seek regular bail in connection with Brahampur PS Case No. 177/2021 registered for the offence punishable under Sections 302/34 of the IPC.

As per prosecution case, the son of the informant was surrounded by the petitioners and other accused persons and on the instigation of petitioner no.2, petitioners no. 1, 3 and 4



assaulted the informant's son by means of sword, *Farsa*, *Lathi*, *Danda* etc., due to which, he died.

Learned senior counsel for the petitioners submits that from perusal of the FIR, it would be evident that there is specific allegation of assault upon co-accused, Ravi Yadav and Jai Singh Yadav, who allegedly, assaulted the son of the informant by means of sword and *Farsa* and the allegation against petitioners are general and omnibus in nature and petitioner no.2 is said to be an order giver. He next submits that it would be evident from perusal of the postmortem report that one incised wound on the skull of the deceased has been found as well as one lacerated injury caused by hard a blunt substance.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and submits that petitioners were members of unlawful assembly and with their common intention they assaulted the son of the informant by means of *Lathi*, *Danda* etc., due to which, he died. He next submits that the son of the informant has been killed on a trivial issue that he had arrived at the village during corona period which was objected by the accused persons and others.

Regards being had to the submissions made by the parties and taking into consideration the material on record and



the fact that petitioner no.2 is an order giver and the allegations against petitioners no. 1, 3 and 4 are general and omnibus in nature, I am inclined to grant regular bail to the petitioners.

Accordingly, let all the petitioners, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur PS Case No. 177/2021.

(Anil Kumar Sinha, J)

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