

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44662 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- FESHAR District- Aurangabad

1. MAHENDRA YADAV Son of Ram Bilas Yadav Resident of Village - Maulanagar, P.s.- Fesar, Distt.- Aurangabad. (Bihar).
2. Gajendra yadav Son of Ram Bilas Yadav Resident of Village - Maulanagar, P.s.- Fesar, Distt.- Aurangabad. (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Leelawati Kumari, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Ms. Priyanka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the Informant.

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

The petitioners seek bail in connection with Fesar P.S. Case No. 37 of 2022 registered for the offence under Sections 341, 323, 325, 307, 34, 504, 506 and 379 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The accused/petitioners are named in the F.I.R. and are in custody since 18.04.2022.



The allegation against the petitioners is to assault husband of informant and her two sons and others with *lathi*, *danda*, *khanti*, *bhala*, etc. on 27.03.2022, while returning to home, causing serious injuries, with further allegation that during course of treatment, husband of the informant died.

Learned counsel appearing on behalf of the petitioner submitted that from the face of FIR, it is evident that informant is not appearing the eye-witness of the present occurrence, where, allegations as regard to assault is very much general and omnibus against both petitioners. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 51614 of 2022 dated 09.12.2022. While concluding the argument, it is submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation regard to assault is very much general and



omnibus against both petitioners, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both petitioners, above named, are directed to be released on bail in connection with Fesar P.S. Case No. 37 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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