

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58363 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Raj Kumar Yadav Son Of Kailu @ Rambilash Yadav @ Ramvilash Yadav
Resident Of Village- Basahi, P.S- Cheria Bariyarpur, Dist- Begusarai
 2. Prem Nath @ Jaikant Yadav @ Prem Nath Yadav Son Of Shyam Bihari
Yadav Resident Of Village- Basahi, P.S- Cheria Bariyarpur, Dist- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Cheria Bariyarpur P. S. Case No.215 of 2020, instituted for the offences under Sections 147, 149, 323, 504, 307, 302 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 13.08.2021, they are persons with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioners submits that the informant alleges that Virendra Yadav and Sanjeet Yadav were keeping stone chips for constructing their houses when the



informant objected on account of which the verbal duel started. Thereafter, nine accused persons including the petitioners came armed with lathi, danda and rod and started assaulting and on account of assault, the father of the informant died and the reason for the occurrence is land dispute.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. The allegation is of assault is general and omnibus in nature and no specific allegation has been alleged against any of the accused persons. The learned counsel submits that this discredits the prosecution story in the sense that if the informant was an eye witness to the occurrence, then he must have seen, who assaulted his father leading to death. It is further submitted that even the post mortem report does not corroborate the allegation as alleged in the F.I.R. as it records that in our opinion no specific causes of death could be certainly ascertained from the above finding and most probable cause appears to be cardiogenic shock precipitated by physical trauma in pre-existing cardiac ailment.

It is thus submitted that the informant only by way of after thought implicated the petitioners. It is further submitted that co-accused Ram Pravesh Yadav, Sanjeet Yadav and Shiv



Kumar Yadav have been granted bail by order dated 14.07.2021 in Cr. Misc. No.13429 of 2021 and co-accused Birendra Yadav @ Virendra Yadav and Amresh Kumar Yadav have been granted bail by order dated 24.02.2022 in Cr. Misc. No.57062 of 2021.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioners are in custody, they are persons with clean antecedent, charge-sheet has been submitted in the case and co-accused have been granted bail and further the post mortem report also does not corroborate the allegation in the F.I.R., the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariayarpur P. S. Case No.215 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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