

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57062 of 2021

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

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1. Birendra Yadav @ Virendra Yadav S/o Ramashish Yadav R/o Village-Basahi, P.S-Cheria Bariyarpur, District- Begusarai.
 2. Amresh Kumar Yadav S/O Late Rambalak Yadav R/O Village-Basahi, P.S-Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-02-2022 Heard learned counsel for the petitioners and Shri
Rajendra Singh, learned A.P.P. 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 and 302 of the Indian Penal Code.

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

Learned counsel for the petitioners submits that the informant alleges that Birendra Yadav and Sanjeet Yadav were



keeping stone chips for constructing their house when the informant objected on account of which a verbal duel started, then nine accused persons, including petitioners, came with *lathi, danda*, rod and started assaulting and on account of assault, the father of the informant died and the reason for the occurrence is land dispute.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case, the allegation of assault is general and omnibus in nature and no specific allegation has been alleged against any of the accused. Learned counsel submits that this credits 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 postmortem report does not corroborate the allegations as alleged in the F.I.R. as it records that in our opinion no specific cause of death could be certainly ascertained from the above findings 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 afterthought implicated the petitioners. It is further submitted that co-accused Ram Pravesh Yadav, Sanjeet Yadav and Shiv



Kumar Yadav have been granted bail vide order dated 14.07.2021 in Cr. Misc. No. 13429 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 13.08.2021, are persons with clean antecedent, charge-sheet has been submitted in the case, co-accused have been granted bail and further the postmortem report also does not corroborate the allegations in the F.I.R., let the petitioners above named be released on bail 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 Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 215 of 2020.

(Satyavrat Verma, J)

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