

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57611 of 2021

Arising Out of PS. Case No.-603 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Pramod Kumar Yadav @ Pramod Yadav, Son of Parshuram Yadav, Resident
of Village- Tirwirwan, P.S.- Gopalganj Town, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
		Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Vyas Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Y.C. Verma, learned senior counsel
appearing on behalf of the petitioner, Mr. Vyas Kumar Mishra,
learned counsel for the informant and learned counsel for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Gopalganj P.S. Case No. 603 of 2019 registered
for the offences under Sections 447, 448, 341, 323, 307, 324,
302, 504, 506/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the
informant alleging therein that on 10.11.2019, at 8.20 P.M., all
the accused persons in furtherance of common intention
assaulted the informant and his daughter. It is specifically



alleged that co-accused Parshuram Yadav gave lathi blow on the back side of the head of his daughter, due to which she sustained grievous injuries and fell down. It is further alleged that co-accused Byash Yadav also gave lathi blow on the head of the informant and thereafter the petitioner assaulted both the informant and his injured daughter, who later on succumbed to injuries during course of treatment.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that specific allegation of assault has been attributed against co-accused Parshuram Yadav, which is also corroborated by the injury report that the deceased sustained one head injury. He further submits that so far the petitioner is concerned, there is omnibus allegation that he also assaulted both the informant as well as his daughter, however, no specific allegation has been levelled as to whether he has assaulted on any vital part of the body or not. He next submits that the post-mortem report clearly shows the cause of death is head injury. It is further submitted that there is a counter version of the present case, suggesting that on account of some dispute a free fight has taken place between the members of both sides, due to which Gopalganj Town P.S. Case No. 604 of 2019 was also registered by one of the family



member of the petitioner, who also sustained injuries along with others. However, the prosecution has failed to explain the injuries sustained to the members of the petitioner's side. He next submits that the petitioner, having fair antecedent, is in custody since 14.07.2021 and he is ready to give undertaking that he will fully cooperate in the trial.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he mercilessly assaulted the daughter of the informant, resulting into her death and moreover other co-accused persons, namely, Parshuram Yadav and Byash Yadav, against whom there are allegation of assault, their prayer for bail has been rejected in Cr. Misc. No. 18913 of 2021 vide order dated 24.08.2021. He lastly submits that now out of four prosecution witnesses, two witnesses have already been examined.

Learned APP for the State also opposes the bail application and submits that the complicity of the petitioner cannot be ruled out, as there is specific allegation of assault against him and other witnesses have also supported the prosecution case.

Regard being had to the submissions made on behalf



of the parties and considering the fact that specific allegation of assault has been attributed against co-accused Parshuram Yadav and moreover, the post-mortem report also reveals the cause of death is head injury, which is attributed only against him and so far the petitioner is concerned, there is omnibus allegation of assault, however, the post-mortem report does not show that any other injury had been received by the deceased, apart from the fact the petitioner, having fair antecedent, is in custody since 14.07.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Gopalganj in connection with Gopalganj Town P.S. Case No. 603 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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