

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57351 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- SANGRAMPUR District- Munger

1. Bharat Yadav, S/o- Biranchi Yadav, Resident of Village / Muhalla- Rainia, P.S.- Tetia Bambar (Sangrampur), District- Munger
2. Ashutosh Yadav @ Santosh Yadav, Son of Bharat Yadav, Resident of Village / Muhalla- Rainia, P.S.- Tetia Bambar (Sangrampur), District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 It appears that due to inadvertence in the order dated 05.04.2022, order no.5 has wrongly been typed, in place of order no.2.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Sangrampur (Tetia Bambar) P.S. Case No. 88 of 2021 for the offences punishable under Sections 341, 323, 324, 307, 504, 302/34 of the Indian Penal Code.



As per prosecution case, it is alleged that on 17.04.2021 when Ashutosh Yadav (petitioner no.2) was putting soil in the courtyard of the informant and the same was protested by the informant, the accused Ashutosh Yadav started abusing the informant and gave spade blow on his head. In the meantime, father of the informant Sukar Yadav came to save him, all the F.I.R. named accused persons started assaulting his father with Lathi, Danda and Spade. There is specific allegation that co-accused Tripurari Yadav gave spade blow on the head of the father of the informant, due to which his father inflicted head injury and later on died.

It is submitted on behalf of the learned counsel for the petitioners that there is no specific allegation against these two petitioners and general and omnibus allegation of assault by means of Lathi, Danda and spade has been levelled. It is further submitted that so far as the allegation against Ashutosh Yadav (petitioner no.2) is concerned that he gave spade blow over the head of the informant is found to be not true, as no injury or any injury report has been found during the course of investigation. It is next submitted that both the petitioners are having clean antecedent and are in custody since 20.04.2021 and moreover investigation has already been concluded and charge-sheet has



also been submitted in this case and there is no allegation of tampering with the evidence and intimating the witnesses. It is also submitted that petitioner no.1 is aged about 75 years and petitioner no.2 happens to be the son of petitioner no.1.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is also allegation against these two petitioners that they assaulted the deceased with lathi and Danda.

Having considered the submission made on behalf of the parties and taking into consideration the fact that there is no specific allegation against these two petitioners that they assaulted the deceased with spade, which resulted into the death of the deceased. Further, the prosecution case also does not corroborate the allegation of assaulting the deceased by means of lathi and Danda and moreover these petitioners are in custody since 20.04.2021 and investigation has already been concluded and charge-sheet has already been submitted in this case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Munger in connection with Sangrampur P.S. Case No. 88 of 2021, subject to the



condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They 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, their bail bonds will liable to be automatically cancelled.

(Harish Kumar, J)

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