

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.60398 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- MAHISHI District- Saharsa

VILASH YADAV @ RAMVILASH YADAV S/o BINDESHWARY YADAV  
@ BINDU YADAV R/o VILLAGE-RAKHATHI, P.S.- MAHISHI,  
DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Sanjay Kumar, Advocate   |
| For the Informant        | : | Mr. Satish Chandra, Advocate |
| For the Opposite Party/s | : | Mr. Ramchandra Singh, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      21-03-2022              Learned counsel for the petitioner is permitted to record para 3 in the bail application with regard to the criminal antecedent of the petitioner in course of the day.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Mahishi P.S. Case No. 114 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.03.2021, is a person with clean antecedent and charge-sheet has been submitted.



Learned counsel for the petitioner at the out set submits that inadvertently para 3 could not be recorded, though petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the informant alleges that on 05.07.2020 his buffalo entered the crop field of the petitioner and for this reason the petitioner along with other named accused persons started assaulting the son of the informant by lathi, danda, fists and slaps and Raushan Yadav fired at the son of the informant hitting him below his left knee as a result of which the son of the informant died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is not alleged to be the main assailant and from perusal of the allegation it would manifest that on account of dispute with regard to grazing of the cattle, the occurrence had taken place in which the petitioner is alleged to have assaulted the son of the informant with fists and slaps and as far as allegation of firing is concerned the same is specific against Raushan Yadav. It is further submitted that similarly situated co-accused Chandra Kishore Yadav has been granted anticipatory bail by order dated 16.09.2021 in Cr. Misc. No. 10104 of 2021.

Learned A.P.P. for the State and learned counsel for



the informant vehemently opposed the bail application but are not able to meet the submission of the learned counsel for the petitioner that petitioner is not alleged to be the main assailant who fired leading to death of the son of the informant.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Mahishi P.S. Case No. 114 of 2020.

**(Satyavrat Verma, J)**

Kundan/-

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