

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61030 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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CHHOTU YADAV @ PRABHASH KUMAR Son of Shyam Kishor @
Shyamal Kishor Yadav Resident of Village- Rampur Khora Ward No. 11, P.S.-
Uda-kishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Udakishunganj Police Station Case No. 368 of 2020, registered
for the offences punishable under Sections 147/148/149/341/
323/324/307/302 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioner assaulted the younger brother of the
informant by means of back side of the spade, due to which he
died.

Learned Counsel for the petitioner submits that both
the parties are neighbours and there was dispute between them
on the point of cutting of ridge by the side of the accused



persons/petitioner. He further submits that the scuffle had taken place between both the parties and the side of the petitioner has also sustained injuries. He next submits that the intention of the petitioner was not to kill the younger brother of the informant; rather, the incident has taken place in the spur of moment. He further submits that co-accused Shyam Kishor has been granted bail by this Court, vide order passed in Criminal Misc. No. 42100 of 2021. He further submits that the petitioner is in custody since 08.01.2021, having no criminal antecedent and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is the main assailant and the allegation levelled in the First Information Report is corroborated by the post mortem examination report, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed, at this stage.

However, the petitioner may renew his prayer for



regular bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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