

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64150 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- PANJWARA District- Banka

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AJAY YADAV, S/o Bhupendra Yadav R/o village- Nilghari, P.S.- Panjwara,
Distt.- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Pandey
For the Opposite Party/s	:	Mr.Ramchandra Singh
For the informant	:	Mr. Durganand Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2022 Heard the learned counsel for the petitioner, the
learned APP for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences under Sections 147, 149, 447, 448, 337, 338, 323, 302, 307, 504 and 506 of the Indian Penal Code. The learned counsel for the petitioner submits that the police after investigation submitted charge-sheet under Section 304 read with other Sections of the IPC

The learned counsel for the petitioner submits that the petitioner is in custody since 12.07.2021, he is a person with clean antecedent and charges have been framed.

The learned counsel for the petitioner further submits that the informant alleges that on 17.05.2021 while he was



sitting in his courtyard, when 18 accused person including the petitioner came and assaulted his mother, aged about 70 years, and dashed her on the ground on such force that she died on the spot, further his father sustained serious injury and also that the accused assaulted the family members by means of fist and slap and the reasons for the occurrence was that the accused suspected that their daughter's marriage broke because of informant's family.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation is general and omnibus in nature and no specific allegation has been alleged against the petitioner, further, it is submitted that when the marriage of the daughter of the petitioner's family broke, the informant and his side were rejoicing as a result of which there was an altercation in which the mother of the informant also joined and it may be a possibility she fell and die. It is further submitted that the act was not intentional on part of the accused persons, though the petitioner had gone to the house of the informant and came to be implicated merely because he is brother of the girl whose marriage broke. It is further submitted that police after investigation did not find the case true under Section 302 of the



IPC and submitted charge-sheet under Section 304 read with other sections of the IPC.

Learned A.P.P. as well as learned counsel for the informant vehemently oppose the bail application. The learned counsel for the informant submits that the charges have been framed and the trial has commenced and one witness has been examined and perhaps the next witnesses is to be examined today itself, but the learned counsel is not in a position to clearly submit as to how many prosecution witnesses are still left to be examined. The learned counsel thus submits that since the trial has commenced, as such, the petitioner should not be enlarged on bail.

In reply the submission of learned counsel for the informant, the learned counsel for the petitioner submits that presently the allegations are in realm of allegation and is to be proved in the trial, further, in the FIR, there is no specific allegation against the petitioner of killing the mother of the deceased nor the police has found the case true under Section 302 of the IPC, as such, after trial, if the petitioner is acquitted, how his period of incarceration would be compensated, but if the petitioner is convicted, he will serve the sentence.

Considering the fact the petitioner is in custody since



12.07.2021, he is a person with clean antecedent, charges have been framed and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Panjwara P.S. Case No. 49 of 2021.

Further, the petitioner will have to appear on each and every date fixed in the trial, if the petitioner does not appear on any of the date in the trial without any plausible explanation, the Court below will be at liberty to cancel his bail-bond.

The application stands allowed.

(Satyavrat Verma, J)

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