

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66549 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- BELHAR District- Banka

Uday Yadav, Son of Panchanand Yadav @ Panchu Yadav, R/o village-
Pathalkuriya, P.S.- Belhar (Khesar), District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69432 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- BELHAR District- Banka

Mohan Yadav, Son of Late Hem Lal Yadav, Resident of village - Pathalkuriya,
P.S.- Belhar (Khesar), District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66549 of 2021)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 69432 of 2021)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-09-2022 Since both the applications arise out of Belhar

(Khesar) P.S. Case No. 154 of 2021, as such, they have been

taken up together and are being disposed of by this common

order.

Heard learned counsel for the petitioners and learned

APP for the State.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Belhar (Khesar) P.S. Case No. 154 of 2021 registered for the alleged offences under Sections 341, 323, 447, 307, 504, 506, 302 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner Mohan Yadav put down the son of the informant and when the informant tried to rescue him, he abused her. The husband of the informant came there on hearing the noise and opposed the petitioner for abusing. Thereafter, petitioner Uday Yadav and other co-accused persons reached there with iron *khanti* and *farsa* and assaulted the husband of the informant on his head causing serious injuries to him. Thereafter, other co-accused persons came and further assaulted the husband of the informant on his head. The husband of the informant succumbed to his injury during treatment.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is apparent from the FIR that the occurrence took place during a quarrel between the children of both sides. There



is general and omnibus allegations against the petitioner Uday Yadav whereas only allegation against the petitioner Mohan Yadav is that he put down the son of the informant. From the injury report of Naresh Yadav, only two injuries have been found on his head and the prosecution case gets falsified on this account as the informant has named a number of persons for causing injuries on the head of the husband of the informant. For the same occurrence, Belhar P.S. Case No. 155 of 2021 has been registered under Sections 341, 323, 447, 504, 506/34 of IPC by petitioner Mohan Yadav. It is a case of free fight between two groups and the petitioner would not be fastened with the liability of death of the husband of the informant. Petitioner Uday Yadav is in custody since 18.08.2021 and petitioner Mohan Yadav is in custody since 19.05.2021. The charge-sheet has been submitted against them. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that due to assault by the petitioners and other co-accused persons, the death of the husband of the informant has been caused.

Perused the records.

Having regard to the submissions made hereinabove and considering the clean antecedent of the



petitioners and further considering their period of custody along with submission of charge-sheet against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/ successor Court, Banka, in connection with Belhar (Khesar) P.S. Case No. 154 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person, who has sworn the affidavit in the case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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