

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2899 of 2023

Arising Out of PS. Case No.-915 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. SURESH YADAV Son of Rudal Yadav R/V- Manikpur, P.S and Dist- Gopalganj
 2. Alagu Yadav Son of Rudal Yadav R/V- Manikpur, P.S and Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Setu Prateek, Adv.
For the State	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Devashish Giri, Adv.
		Mr. Sumit Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioners as well as

Heard learned counsel for the Informant and heard the learned

APP for the State.

In this case, the petitioners are seeking regular bail in connection with Gopalganj (Town) P.S. Case No. 915 of 2022, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 325, 504, 302 of the Indian Penal Code.

As per allegation, a panchayat was convened to settle the land dispute between the parties. When the panchayat was assembling, twelve accused persons named in the FIR came there and they started assaulting and abusing the members of



prosecution side. Specific allegation against the petitioner No. 2 is that he assaulted the informant on his head and co-accused Balister Yadav assaulted Upendra Yadav, brother of the informant. He died subsequently and thereafter section 302 of the I.P.C was added in the FIR.

The learned counsel for the petitioners has submitted that the allegation against the petition No. 1 is general and omnibus. There is no specific allegation against him to assault anybody. So far as petitioner No. 2 is concerned, there is no allegation on him to inflict assault on the person of the deceased rather it was allegation on him that he assaulted the informant. Learned counsel has also submitted that the allegation made in the FIR is not corroborated with the injury report as Asharfi Yadav (informant) has suffered two bruises on the hand which were found simple in nature caused by hard and blunt substance. Petitioner No. 1 is under custody since 08.11.2022, and petitioner No. 2 is under custody since 11.11.2022. They are the persons of clean antecedent.

On the other hand, the learned counsel for the informant and learned APP for the state have vehemently opposed the prayer for bail and they have submitted that the accused persons named in the FIR including the petitioners



badly assaulted the informant and his brother. Due to assault his brother died in course of treatment.

Considering the above-mentioned facts and circumstances as well as clean antecedents of the petitioners, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 915 of 2022, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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