

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13196 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- MURLIGANJ District- Madhepura

1. UMESH YADAV S/O Late Mahanthi Yadav R/O Village- Rahika Tola, Ward No- 08, P.S- Murliganj, District Madhepura
2. Subhash Kumar S/O Sri Umesh Yadav R/O Village- Rahika Tola, Ward No- 08, P.S- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 307, 302, 354, 379, 506, 504 and 34 of the Indian Penal Code.

As per prosecution case, the allegation against the accused persons including the petitioner is that due to land dispute, they armed with various weapons, came at the place of occurrence and started assaulting due to which



informant and his family members sustained injury. It is further alleged that petitioner No-1 specifically assaulted the informant's brother-in-law by means of spade(*kudal*) on his head due to which he sustained grievous injury and during treatment he died.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to land dispute. There is no specific allegation of commission of murder levelled against the petitioner No. 2. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 08.08.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that there is direct allegation against petitioner No.1 that he assaulted on the head of informant's brother-in-law by means of spade(*kudal*) due to which he sustained injury and succumbed to injury. The postmortem report which is annexed with case diary also supported the prosecution version.



Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody, this court is inclined to enlarge the petitioner No-2 on bail. The above named petitioner No-2 is directed to be released on bail in connection with Murliganj P.S. Case No. 362 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist Madhepura.

So far as petitioner No.1 is concerned, there is direct allegation against him of assaulting on the head of informant's brother-in-law, resulting into his death, this court is not inclined to enlarge the petitioner No-1 on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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