

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19579 of 2023**

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKANDRA District- Jamui

Narendradeo Yadav @ Narendra Yadav @ Neeru Yadav Son Of Jineshwar
Yadav Resident Of Village - Sundarbad, P.S. - Sikandra, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 17-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(A)(B)/504 and 506 of Indian Penal Code.

As per prosecution case, on 02.09.2022 the petitioner along with several accused persons armed with deadly weapon came to the house of the informant and started abusing him on protest, they assaulted the informant with intention to kill him. Co-accused Mithilesh Yadav started assaulting the informant by means of lathi due to which he sustained injury on his right hand and when his family members came there to rescue him then petitioner along with other co-accused Ngendra Yadav assaulted



to Rina Devi by means of farsa due to which she also sustained injury and fell down and later on died. Several family members of the informant also sustained injury in the said scuffle.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is a case and counter case between the parties and members of both parties have received injuries. There is no specific allegation against this petitioner. Informant has given contradictory statement in his restatement as he disclosed that co-accused Mithilesh Yadav has assaulted him on the order of the petitioner, but in the FIR, it is alleged he has been assaulted by this petitioner and others. During course of investigation, witnesses have also given contradictory statement as mentioned in para 7 and 8 of the case diary, which creates doubt in authenticity of the prosecution story. Petitioner is languishing in judicial custody since 09.09.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It is further submitted that this case was lodged under Sections 307 IPC and other allied Section but during treatment injured Rina Devi died on next date during treatment at PMCH, Patna and then the case has turned into Section 302 IPC.



Chargesheet has been submitted under Sections 302,307 and other Sections of the IPC.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that according to prosecution case the specific overt-act of assaulting upon the deceased is against the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sikandra P.S. Case No.249 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui.

(Sunil Kumar Panwar, J)

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