

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24005 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- BARABAR TOURIST District- Jehanabad

BITU KUMAR @ BINTU KUMAR SON OF RAJ BALLABH YADAV @
RAJ BALLAM YADAV R/O VILLAGE- KHARAUNA, P.S.- BARABAR
PARYATAK, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Umesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated by the informant that the seven named accused persons including the petitioner herein came to the doorstep of the informant's house started to abuse and assaulted the informant on his head with a garasa. On his son coming to his rescue, it is stated that Ravi Kumar struck him on his head seriously injuring him and thereafter the other accused persons including this petitioner



assaulted, as a result of which they were injured.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. The post-mortem report of the son of the informant does not support the allegations in the F.I.R. The petitioner is in custody since 14.1.2022, chargesheet has been submitted in the case and he has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having joined other accused persons and having assaulted the informant and his son as also other members of the family leading to death of the informant's son. Referring to the post-mortem report, learned counsel submits that several injuries were found on the body of the deceased and the same substantiates the allegation in the F.I.R.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the contents of the post-mortem report, the petitioner having remained in custody for about a year since 14.1.2022 and chargesheet having



been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Barabar Paryatak P.S. Case no.3 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 Judicial Magistrate 1st Class, Jehanabad.

(Partha Sarthy, J)

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