

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31092 of 2023**

Arising Out of PS. Case No.-751 Year-2020 Thana- KHAJANCHI HAT District- Purnia

Chanki Yadav S/O- Birendra Kumar Bharti Resident of Hawaiadda Ps- K.Hat  
Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh  
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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

3      01-08-2023                      Heard learned counsel for the petitioner 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, 302, 324, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant alleged that the petitioner had called her son to come the airport and when her son reached to the airport along with his friends, the petitioner along with other accused persons assaulted to her son by means of lathi-danda and rod due to which he sustained head injury. They also damaged the motorcycle of the informant's son and assaulted to his friends. The injured son of the informant was taken to hospital where he was declared dead.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has



falsely been implicated in the present case merely on the basis of suspicion. There is no specific overt-act of assaulting against the petitioner rather the allegation is general and omnibus. The Postmortem report shows that altogether six injuries were found on the person of the deceased whereas as per F.I.R., there are 10 named accused persons including this petitioner and 10-15 unknown persons who are alleged to be assaulted the informant's son. There is no eye witness of the alleged occurrence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is also submitted that petitioner is languishing in judicial custody since 13.09.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

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 K. Hat P.S. Case No.751 of 2020 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., Purnea.

**(Sunil Kumar Panwar, J)**

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