

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32045 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- PALIGANJ District- Patna

1. SANJAY YADAV S/o- BUTAN YADAV Village- Mahmudpur Ps- Paliganj Dist- Patna
2. Dhananjay Yadav son of Butan Yadav Village- Mahmudpur Ps- Paliganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Paliganj Police Station Case No. 374 of 2022, dated 31.08.2022, disclosing offences under Sections 341/323/307/302/34 of the Indian Penal Code.

The prosecution case, on the basis of First Information Report, is that the petitioners along with three other accused persons, total five in numbers, assaulted the husband of the informant by means of danda, lathi, etc. due to which he sustained injury and subsequently died, while he was being taken to the hospital.



Learned counsel for the petitioners submits that both the parties are agnate and there is a land dispute between them. Learned counsel, referring to the post-mortem report, submits that no external injury was found on the deceased and on the basis of viscera report, doctor has given his opinion regarding cause of death, which is due to cardiac disease and its complication. Learned counsel next submits that the similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court in Criminal Misc. No. 30787 of 2023. He next submits that the petitioners are in custody since 27.03.2023 and charge-sheet has already been submitted and there is no likelihood that the petitioners will abscond and/or temper with the evidence, if released on bail

Regards being had to the submissions made by the parties and taking into consideration the post-mortem report and the opinion of the doctor regarding cause of death, the fact that the similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this court and charge-sheet has already been submitted, accordingly, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail



on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj Police Station Case No. 374 of 2022.

(Anil Kumar Sinha, J)

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