

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32440 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- BARHARIA District- Siwan

RAMCHANDRA YADAV S/o Late Surajdeo Yadav Resident of Village-
Sahbachak, P.s.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 08-02-2023 Heard learned counsel for the petitioner and learned APP for
the State as well as learned counsel for informant.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Barhari P.S. Case No. 385 of 2021 registered under Section 447, 504, 323, 325, 307, 302 and 34 of the Indian Penal Code.

On account of subsisting land dispute, informant has alleged that his agnates have arrived at his house and have indiscriminately assaulted prosecution parties by means of fists, slaps, *lathi* and *danda*. On intervention by the informant's mother, Gyanti Devi, she too has been assaulted by the petitioner and co-accused Awahesh Yadav by *lathi* and *danda* leading to injury ultimately causing death



of the informant's mother.

Learned counsel for the petitioner submits that it is apparent from the FIR that there is a land dispute between the parties. In fact, a free fight has taken place between the parties, who are agnates and the informant's mother has suffered an injury by falling on the ground, which proved to be fatal. The petitioner, having no antecedents, has been in custody since 07.01.2022. Investigation is complete.

Learned APP as well as learned counsel for the informant have opposed the prayer for bail. It is pointed out that deceased has suffered a concussion on her head.

Considering the rival submissions, the fact that the postmortem does not corroborate allegation of indiscriminate assault by two persons, the subsisting land dispute, and period of custody with no antecedents, as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-III, Siwan in Barhari P.S. Case No. 385 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative



of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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