

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35580 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- BABUBARHI District- Madhubani

1. Prabhash Kumar Yadav @ Prabhash Yadav Son Of Siya Ram Yadav Resident Of Village - Bardahi, P.S.- Babubarhi, District - Madhubani.
2. Mahesh Kumar Yadav @ Mahesh Yadav Son of Siya Ram yadav Resident of Village - Bardahi, P.S.- Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 16-02-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 302/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that when

the husband of the informant was at his door, the

petitioner No. 1 being neighbour started abusing due to

previous enmity and when the husband of the informant

forbade to abuse, he went inside his house and came

with other family members. Thereafter, they all started



assaulting the husband of the informant by lathi and bamboo and when the informant and her cousin father-in-law went to save the victim, they were also assaulted by the accused persons. The husband of the informant was thereafter taken to the hospital where subsequently he succumbed to the injuries during treatment.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is previous enmity between the parties. Moreover, the incidence took place on 17.06.2021 and the victim died during treatment on 26.06.2021 but the F.I.R was registered on 04.07.2021 which creates serious doubt about the authenticity of the prosecution version. There is general and omnibus allegation against the petitioners. The petitioners are languishing in custody since 30.07.2021. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the delayed lodging of the F.I.R



and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Madhubani in connection with Babubarhi P.S. Case No. 156 of 2021.

(Sunil Kumar Panwar, J)

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