

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41444 of 2023

Arising Out of PS. Case No.-450 Year-2022 Thana- ALOULI District- Khagaria

1. Shailesh Yadav S/O Ramchalitra Yadav R/O Village- Gadhbanni, Ps. Alauli, Dist. Khagaria
2. Budheshwar Yadav S/O Ramchalitra Yadav R/O Village- Gadhbanni, Ps. Alauli, Dist. Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chitren Kumar Sinha

Mr. Ranjit Kumar Yadav

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 307, 504/34 of the Indian Penal Code.

It is a case of assaulting by the petitioners along with other accused persons to the informant's son namely Dhiraj due to which he sustained injury and died during course of treatment. Land dispute is said to be the background of the alleged scuffle.

It is submitted by learned counsel for the petitioners



that both the petitioners are innocent and have committed no offence. They have falsely been implicated in the present case. There is a land land dispute between the parties. General and omnibus allegation of assault to the informant's son has been levelled against all the accused persons. As per postmortem report, one external injury caused by hard blunt substance has been found on the body of the deceased. In fact, in course of altercation between the parties, the deceased himself fell down upon a *Cement Naad* and received head injury. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. It is also submitted that petitioners are languishing in judicial custody since 05.12.2022 and 15.12.2022 respectively.

Learned APP appearing for the State and learned counsel for the informant have 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 petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Alauli P.S. Case No. 450 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten



thousand) each with two sureties of the like amount each to the
satisfaction of the learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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