

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48238 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- BATH District- Bhagalpur

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1. MADAN YADAV @ MATTAN YADAV S/O SAHINDER YADAV @ SAHENDRA YADAV Resident of village- Girdharpur, P.S.- Bath, District- Bhagalpur.
 2. AJIT YADAV S/O LATE MAHENDRA YADAV Resident of village- Girdharpur, P.S.- Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 12-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Bath P.S. Case No. 49 of 2022, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the son of the informant while he along with the informant had gone to the land in



question with a tractor to unload waste material. As far as the petitioner no. 1 is concerned, he is stated to have inflicted a spade blow on the head of the son of the informant, resulting in him receiving grievous injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, and they are languishing in custody since 3.6.2022. The learned counsel for the petitioners has further submitted that though the petitioners are an accused in one other case but they are on bail in the said case. It is submitted that as far as the petitioner no. 2 is concerned, a general and omnibus allegation has been levelled, however, though the petitioner no. 1 is stated to have given a spade blow on the head of the son of the informant, but the injury is not so grievous so as to cause the death of the son of the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record, though this Court deems it fit and proper to admit the petitioner no. 2 to the privilege of bail, but considering the fact that there is specific allegation of giving a spade blow on the head of the son of the informant qua the petitioner no. 1, I deem it fit and proper to direct for release of the petitioner no. 1, immediately upon framing of the charge by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Chief Additional Judicial Magistrate-XIII, Bhagalpur in connection with Bath P.S. Case No. 49 of 2022.

Accordingly, the above named petitioner no. 2 is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Additional Judicial Magistrate-XIII, Bhagalpur in connection with Bath



P.S.Case No. 49 of 2022.

(Mohit Kumar Shah, J)

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