

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52463 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- CHANDI District- Bhojpur

=====

MUNNA YADAV @ MUNA YADAV SON OF LATE LAXMAN YADAV
R/O VILLAGE- BISHUNPUR, P.S.- CHANDI, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shivam, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Chandi PS case no. 60 of 2022 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution, according to the informant, is that while his tractor was parked in front of his house, the accused persons including the petitioner herein had arrived there and had started shouting, whereupon the father of the informant had come out of his house, whereafter, the accused persons had assaulted him with bamboo stick, jack of vehicle and iron rod, resulting in him being grievously injured and subsequently, he died during the course of treatment.

The learned counsel for the petitioner submits that



the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 11.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in two other cases but he is on bail in both the said cases. It is also submitted that a general and omnibus allegation has been levelled on all the accused persons of having assaulted the father of the informant and as far as the petitioner is concerned, there is no specific allegation of him having engaged in any sort of overt act. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 25.01.2023, passed in Cr. Misc. no. 41088 of 2022 and Cr. Misc. no. 49772 of 2022.

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 parties and taking into account the materials available on record as also considering the fact that the petitioner has not been alleged to have engaged in any sort of overt act *qua* the deceased apart from the fact that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.



Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-Vth, Ara, Bhojpur in connection with Chandi PS case no. 60 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

