

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54666 of 2022

Arising Out of PS. Case No.-331 Year-2019 Thana- HUSSAINGANJ District- Siwan

SANTOSH YADAV @ SANTOSH CHAUDHARI Son of Ramai Yadav @
Ramae Chaudhary R/o Village - Harihans, P.S.- Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Hussainganj P.S. Case No. 331 of 2019 registered for the offences punishable under Sections 147, 341, 323, 379, 307, 504, 506 and 324 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant and his family members were brutally assaulted by this petitioner and other co-accused persons. Further, it is alleged that this petitioner has



assaulted the informant's uncle by means of an axe.

The main submissions advanced by the learned counsel Mr. Bijay Prakash Singh for the petitioner are that the parties are agnates and the dispute relating to digging of a drain is stated to be the genesis of the occurrence and from the petitioner's side, three persons sustained injury in the alleged occurrence and one person died and there is specific allegation against the petitioner to have assaulted two persons namely Vidyanath Yadav and Amarnath Yadav and only two injuries were found upon the person of the said Vidyanath Yadav and after the lapse of considerable period, the opinion kept reserved by the concerned doctor has not been given till date and other injured namely Amarnath Yadav sustained simple injury as per his injury report and the petitioner has been languishing in jail since 14.07.2022 and six co-accused persons have been granted anticipatory bail vide order passed in Cr. Misc. No.23381 of 2020 and during the investigation, only one witness namely Anil Yadav was examined by the investigating officer who did not disclose any specific role of the petitioner in the alleged crime and according to his statement, a general and omnibus allegation was made against the petitioner.

Learned APP Mr. Uday Pratap Singh appearing for the



State has opposed the bail prayer.

Considering the above submissions and mainly the genesis of the occurrence as appears from the FIR and the custody period of the petitioner and also the fact that between the parties, there is a case and counter case and from the petitioner's side, one person lost his life, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Hussainganj P.S. Case No. 331 of 2019.

(Shailendra Singh, J)

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