

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59866 of 2022**

Arising Out of PS. Case No.-111 Year-2021 Thana- BITHAN BAZAR District- Samastipur

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1. Umesh Yadav S/O Late Govind Yadav Resident of village- Jagmohara, Ward No- 2, P.S.- Bithan, District- Samastipur.
2. Ramjeevan vidyarthi s/o late bindeshwari yadav resident of village-jagmohara, ward no- 2, p.s.- Bithan, District- Samastipur.
3. Arun Yadav S/O Late Bindeshwari Yadav Resident of village- Jagmohara, Ward No- 2, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      23-03-2023                      Let the defects, 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 petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Bithan P.S. Case No. 111 of 2021 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

As per the prosecution, the informant and his son were assaulted by means of iron rod after being surrounded by



eighteen named accused persons including these petitioners. It is further alleged that the informant's son succumbed to his injuries.

The main submissions advanced by learned counsel appearing for the petitioners are that altogether eighteen persons are named in the FIR and against the petitioners there is no specific allegation and as per the statements of material witnesses, who are relatives of the deceased, the co-accused namely Nityanand Yadav inflicted iron-rod blow at the head of the deceased hence, in view of this fact the main allegation is against the co-accused Nityanand Yadav and as per the FIR the informant and another person namely, Jagdambi Yadav are stated to have been assaulted by the accused persons but the prosecution has failed to produce any injury report of the said injured persons and in the case diary also, there is no detail of the medical treatment or their injury reports and accordingly the said fact falsifies the presence of the informant and so-called injured person namely Jagdambi Yadav at the place of occurrence at the alleged time. Further submissions are that during investigation no eye-witness supported the factum of the occurrence and in between the petitioners and the prosecution party several litigations are running and similarly situated co-



accused persons namely Praveen Kumar @ Praveen Yadav and Nand Kishore Yadav have been granted bail by the trial Court itself and in view of nature of allegation, the petitioners' case stands on similar footing with the said co-accused persons.

Learned APP appearing for the State has vehemently opposed the bail prayer of all the petitioners and submitted that the trial of the petitioners has started.

In view of the facts, as stated above and mainly considering the privilege of bail having been granted to the above-mentioned co-accused persons by the trial Court itself and also the fact that in the FIR, there is general and omnibus allegation against the petitioners, in my opinion it is a fit case for bail to the petitioners. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bithan P.S. Case No. 111 of 2021.

**(Shailendra Singh, J)**

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