

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58162 of 2022

Arising Out of PS. Case No.-304 Year-2022 Thana- NAUTAN District- West Champaran

1. Shivnath Yadav Son Of Thakur Yadav Resident Of Village- South Telua Brahman Tola Ward No-1, P.S.- Nautan, District- West Champaran
2. Jitendra Yadav Son Of Shivnath Yadav Resident Of Village- South Telua Brahman Tola Ward No-1, P.S.- Nautan, District- West Champaran
3. Prakash Yadav @ Jai Prakash Yadav Son On Ramnath Yadav Resident Of Village- South Telua Brahman Tola Ward No-1, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr. Sajda Nand Rai
For the State	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-02-2023 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 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 of the Indian Penal Code.

The prosecution case in nutshell is that while the cousin of informant was preparing for feeding his cow, petitioners and other co-accused persons, variously armed, came and started abusing him. When he raised protest,



petitioners and other co-accused persons started assaulting. Allegation against the petitioner 1 is that he assaulted the cousin of informant by means of iron rod due to which he sustained leg injuries. When the son of informant, namely, Bachcha yadav came to his rescue, Krishna Yadav assaulted him by means of Farsa due to which he succumbed to injuries.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. There is general and omnibus allegation levelled against the petitioner and the specific allegation of assaulting the deceased Bachcha Yadav, by means of Farsa, is levelled against co-accused Krishna Yadav. At best, it can be said that petitioners are non assailants of the deceased. It is also submitted that petitioners are languishing in judicial custody since 4.6.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

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, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Nautan P.S. Case No. 304 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, West Champaran, Bettiah.

(Sunil Kumar Panwar, J)

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