

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62259 of 2022**

Arising Out of PS. Case No.-270 Year-2022 Thana- BELAGANJ District- Gaya

1. Vishu Yadav, S/o Late Ramkhelawan Yadav @ Ram Khelawan Prasad
 2. Ajay Yadav @ Aaj Yadav S/o Late Jitan Yadav
 3. Mantu Yadav @ Mantu Kumar S/o Vishu Yadav
- All are resident of village- Belhari, P.S.- Belaganj, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 25-02-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Belaganj P.S. Case No.270 of 2022 registered for the offences punishable under Sections 341, 323, 504, 337, 307 and 302 read with 34 of the Indian Penal Code.

The petitioners/accused are not named in the first information report and are in custody since 08.06.2022.

The allegation against the petitioners is to commit murder of mother of the informant along with other co-accused persons causing assault by means of *lathi*, iron rod, bricks, etc



causing severe injuries in stomach and chest of the mother of informant, where occurrence is founded over long standing land dispute between the parties.

It is submitted by learned counsel for the petitioners that the allegations are appearing from the face of first information report as regard to assault against these petitioners are general and omnibus. It is submitted that from the postmortem report of the deceased, only one injury was noticed and that too, found upon the tip of nose, which not appears in ordinary course of nature to cause death of mother of the informant. It is submitted that no other injuries as alleged through first information report found upon deceased as per postmortem, which otherwise ought to be available upon stomach and chest of the deceased. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted. As such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for bail of the petitioners.

In view of the above-mentioned facts and circumstances and by taking note of nature of allegations as



regard to assault, which is appearing very much general and omnibus against this petitioner, where only single injury was found available upon the deceased, i.e. upon the tip of nose, coupled with the fact that charge-sheet has already been submitted, the above named petitioners are directed to be released on bail 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 Additional Chief Judicial Magistrate-II, Gaya in connection with Belaganj P.S. Case No.270 of 2022, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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