

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61291 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- SANGRAMPUR District- Munger

CHHOTU YADAV @ DHANANJAY YADAV, Son of Ashok Yadav, R/v-
Chhotaki Kharui, P.S.- Sangrampur (Tetiya Bamber), District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sangrampur P.S. Case No. 249 of 2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 of the Indian Penal Code was added.

The prosecution case alleges that informant's cousin brother has been killed over a dispute founded on casting of vote in local *Panchayat* election.

Learned counsel for the petitioner submits that occurrence is nothing but free fight where both the parties have received injuries and for the same set of occurrence a case was also lodged by petitioner's side. The petitioner is not named in the FIR. It is also



submitted that as occurrence was free fight in nature, intention to cause death cannot be gathered. It is also submitted that allegation as regard to assault is very much general and omnibus against this petitioner rather it has been specifically stated during course of investigation by son of the deceased that fatal assault was made by one co-accused, namely, Ranjan Kumar. It is also submitted that petitioner is a man of clean antecedent and is in custody since 21.01.2022. Moreover, investigation of this case has been completed, for which charge-sheet has already been submitted, and as such there is no chance of tampering with the evidence. Two similarly situated co-accused persons have been allowed bail in *Cr. Misc. No. 29309 of 2022* and *Cr. Misc. No. 19428 of 2022*.

Learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is general and omnibus against this petitioner in the background, where, occurrence appears free fight, coupled with the fact that charge-sheet has already been submitted, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned Sessions Judge, Munger, in connection with Sangrampur P.S. Case No. 249 of



2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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