

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64045 of 2022**

Arising Out of PS. Case No.-180 Year-2022 Thana- BAHADURGANJ District- Kishanganj

Navin Yadav @ Navin Prasad Yadav S/O Sidheshwar Yadav @ Shigswar
Yadav Resident of Village- Deuri Hedla Chowk, P.S.- Bahadurganj in the
District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Bahadurganj P.S. Case No.180 of 2022 instituted under
Sections 341, 323, 324, 307, 354, 504, 506, 302 I.P.C. lodged on
13.06.2022. by the informant, Urmila Devi.

The informant has alleged that in the agriculture field
due to cattle grazing dispute, scuffle took place between her and
accused persons, her husband was assaulted who fell down and
became unconscious, taken to Primary Health Center,
Bahadurganj and then to Purnea but he died. Accordingly, the
FIR.



Learned counsel for the petitioner submits that due to scuffle between the parties, the deceased fell down on the ground and was as he was a chronic patient, died and then the allegation has been made exaggerating the case. He has brought on record the postmortem report in support of the said submissions. The last submission is that omnibus allegation is against all the accused persons.

Learned APP opposes the prayer for bail, but accepts that as per the doctor's opinion death was Cardio Respiratory Failure due to chronic lungs disease. Although the informant has filed its appearance, no one has appeared on her behalf.

Taking into account the fact that the petitioner do not have criminal antecedent, the allegation is omnibus in nature, the postmortem report shows death due to chronic lungs disease, this Court is inclined to extend him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bahadurganj P.S. Case No.180 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C.

Before parting, this Court would like to put on record its word of appreciation for Mr. Aditya Kumar Pandey, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /-

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