

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68796 of 2023

Arising Out of PS. Case No.-2 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

Balkrishna Yadav @ Bal Krishna, S/O Vidya Yadav @ Nand Yadav, R/O
Village- Saraiya, P.S. Sahebpur Kamal, District Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Jitendra Kumar Singh, APP
For the Informant :	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 01-11-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Sahebpur Kamal P.S.
Case no. 2 of 2020, registered under sections 302 and 34 of the
Indian Penal Code.
3. As per the prosecution case, the informant states
that on reaching the place of occurrence ie the agricultural land,
he saw his brother in an injured condition. On inquiry his
brother disclosed that the six named accused persons including
the petitioner herein and five others brutally assaulted him and
thinking him to have died, went away. His brother died as a
result of the assault.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even as per the allegations in the FIR, the allegations are general and omnibus in nature. Referring to Annexure-2 to the petition, it is submitted that final form was submitted by the investigating authorities, however, the learned trial Court differing from the same took cognizance in the matter. The petitioner is in custody since 13.5.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner has been name by the deceased, as has come in the FIR, the allegation against the petitioner along with others is of having assaulted the informant's brother leading to his death. There is sufficient material against the petitioner in the case diary on the basis of which cognizance was taken. Inspite of the petitioner's anticipatory bail application being rejected in November, 2022, he continued to abscond till he was arrested on 13.5.2023.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR being general and omnibus in nature, final report having been submitted against the petitioner, though subsequently



cognizance was taken, the petitioner being in custody since 13.5.2023 and investigation in the case having concluded, the petitioner is directed to be enlarged on bail in connection with Sahebpur Kamal P.S. Case no. 2 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Begusarai.

(Partha Sarthy, J)

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