

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65330 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- DHURAIYA District- Banka

Panchu Yadav Son Of Sardari Yadav Resident Of Village- Gangati, P.S.-
Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 448, 323, 324, 325, 307, 302, 379, 504, 506 of the Indian Penal Code.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the petitioner have assaulted the informant's side as a result of which, the husband of the informant died. It is specifically alleged against this petitioner that he assaulted with iron *Khanti* on the head of the husband of the informant.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is land dispute between parties. There is counter version of the occurrence also and petitioner's side also sustained injuries. The postmortem report itself contradict the case of the prosecution as it is alleged that this petitioner assaulted with iron Khanti and co-accused Chhabinath Yadav assaulted with Dabiya to the deceased on his head but the postmortem report suggests only one injury on the head of the informant. The petitioner is languishing in custody since 01.06.2022.

Learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for bail of the petitioner and submitted that there is specific accusation against the petitioner that he assaulted with iron Khanti on the head of the deceased.

Considering the facts aforesaid and the fact



that postmortem report does not corroborate with the prosecution version and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 208 of 2022.

(Sunil Kumar Panwar, J)

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