

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69290 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- CHOUTARWA District- West
Champaran

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Akbal Yadav S/O Late Mukhatar Yadav R/O Village- Chandraha, Rupwaliya
P.S- Bathwariya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 341, 323, 324, 307, 302, 504, 34 of the
Indian Penal Code.

The prosecution case as per F.I.R is that on
28.05.2022, the informant was digging the land for
erecting the foundation of his house. In the meantime,
all the F.I.R named accused persons including the
petitioner came there and started abusing the informant.
On objection being raised by the informant, this



petitioner ordered to kill the informant, as a result of which, co-accused Shavindra Yadav inflicted Garasa blow upon the head of the informant who sustained head injuries and fell down on the ground. While father of the informant came to rescue him, co-accused Ravindra Yadav assaulted him with lathi as a result of which, he sustained fracture injuries on his left shoulder. Co-accused Ramadhar Yadav thereafter inflicted farsa blow upon the head of informant's father who sustained injuries on his head. The father of the informant thereafter succumbed to the injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is a land dispute between the parties. Admittedly the petitioner is alleged to be the order giver and there is no allegation against the petitioner of assaulting any of the injured. The specific accusation of assaulting to the deceased is against co-accused Ramadhar Yadav and Rabindra



Yadav. The petitioner is languishing in custody since 02.06.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner was part of the unlawful assembly and on his order, the accused persons assaulted the informant and his father.

Considering the facts aforesaid 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 Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran in connection with Choutarwa (Bathwariya) P.S. Case No. 215 of 2022.

(Sunil Kumar Panwar, J)

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