

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70450 of 2022

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

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CHHABINATH YADAV S/o Late Dharveshi Yadav R/o Village- Gangari,
P.S.- Dhoraiya, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 147, 148, 149, 448,
323, 324, 325, 307, 302, 379, 504 and 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 further alleged against this petitioner that he



assaulted with *Dabiya* on the head of the informant's husband.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There is a land dispute between the 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 *Dabiya* to the deceased on his head but the postmortem report suggests only one injury on the head of the informant. Petitioner has no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 01.06.2022.

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

Having heard learned counsel for the parties and considering the facts that postmortem report does not corroborate with the prosecution version and the period under custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction of
the learned Chief Judicial Magistrate, Banka in connection with
Dhuraiya P.S. Case No. 208 of 2022.

(Sunil Kumar Panwar, J)

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