

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73936 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- PAKARIBARAW District- Nawada

RAMBRIKSH YADAV SON OF LATE MISHRI YADAV RESIDENT OF
VILLAGE -TAPSIPUR, PS- PAKRIBRAWAN (DHAMOUL) DISTRICT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
For the Informant	:	Mr. Birendra Kumar, Adv.
		Mr. Kumud Kishore, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for

the State.

2. The petitioner seeks bail in connection with

Pakribrawan (Dhamoul) P.S. Case No. 255 of 2023

registered for the offences punishable under Sections

302, 34 of the Indian Penal Code.

3. As per prosecution case, the informant was

filling soil in his own land which was opposed by the

petitioner and others. It is further alleged that co-

accused Ajwa Devi and wife of late Sunil Yadav



concertedly assaulted the informant's mother by means of brick and stone as a result of which she having sustained injury became unconscious and during course of treatment she succumbed to the injury.

4. Learned counsel for the petitioner submits that from bare perusal of the FIR itself it appears that the FIR can be segregated between two parts. One part is the origin point where petitioner is merely member of mob and the second part is related with the story of assault where two co-accused persons have been participated in the story of assault. He further submits that no overt-act of assault is attributed to the petitioner. Petitioner is in custody since 27.07.2023 and bears no criminal antecedent. He further submits that petitioner is aged about 70 years old. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Gautam Kumar, on similar and identical



allegation, has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 72845 of 2023 and on the principle of parity, petitioner also deserves bail.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, no specific overt-act is attributed to the petitioner, co-accused on similar and identical allegation has already been granted bail by a co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with



Pakribrawan (Dhamoul) P.S. Case No. 255 of 2023,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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