

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80604 of 2023

Arising Out of PS. Case No.-191 Year-2020 Thana- DURAULI District- Siwan

Raju Yadav S/O Swaminath Yadav Village- Badheya Punak,Ps. Darauli, Dist. Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code. Later on, Section 302/34 of Indian Penal Code was added.

Earlier to this, petitioner was granted anticipatory bail by co-ordinate Bench of this Court, passed in Cr. Misc. No. 11463 of 2021 on 21st of December, 2021 but the same was recalled after adding Section 302/34 of IPC in this case vide order dated 07.02.2022, passed in Cr. Misc No. 11463



of 2021.

prosecution case in nutshell is that petitioner along with other co-accused persons, variously armed, came at the door of informant and started abusing. When the informant raised protest, co-accused Vijay Yadav and Dharmendra Yadav assaulted by means of Farsa due to which informant sustained head injuries. When informant's nephew came for rescue, co-accused Rakesh Yadav and petitioner assaulted him due to which he sustained injuries. It is further alleged that co-accused Surendra yadav took Rs. 6,700/- from the pocket of informant and petitioner started jumping on the chest of informant. It is further alleged that later on informant died.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is inordinate delay of 2 days in lodging the F.I.R. There is case and counter case between the parties. The specific allegation of assaulting to informant is levelled upon co-accused Dharmendra Yadav and Vijay Yadav. Moreover, the petitioner is languishing in



judicial custody since 12.07.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Darauli P.S. Case No. 191 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 C.J.M., Siwan.

(Sunil Kumar Panwar, J)

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