

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3763 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- CHAND District- Kaimur (Bhabua)

1. Pradip Yadav Son Of Yamuna Yadav @ Jamuna Yadav Resident Of Village - Bhaluhari, P.S. - Chand, District - Kaimur (bhabua)
2. Rajdip Yadav Son Of Yamuna Yadav @ Jamuna Yadav Resident Of Village - Bhaluhari, P.S. - Chand, District - Kaimur (bhabua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioners,

learned APP for the State and leaned counsel for the

informant.

2. The petitioners have prayed for bail in a case registered for the offence punishable under Sections 341, 323, 324, 325, 307, 302, 379, 506 and 34 of the Indian Penal Code.

3. As per allegation in the F.I.R., while the informant along with deceased Siyaram Yadav went to purchase cow from their motorcycle, in the way several accused persons armed with rod, lathi, farsa have



assaulted to both of them due to which they sustained injury. It is further alleged that petitioner, namely, Rajdeep Yadav along with other co-accused persons threatened the son of informant to kill. When the injured were taken to hospital on the way Siyram Yadav died. In course of assault the deceased was having 80-90 thousand rupees in his pocket which was taken by all the accused persons including one gold chain.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics and ulterior motive. Both the parties are co-villagers. General and omnibus allegation has been levelled against the petitioners and no specific allegation of assault is alleged against these petitioners. At best it can be said that petitioners are non assailants rather they are members of mob. It is further submitted that in the postmortem report, it appears that deceased have sustained most of



the injuries on none vital part of the body and doctor opined the time elapse since death about three to four days and from this it is clear that the deceased had died much prior to the date of occurrence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, the petitioners are languishing in judicial custody since 28.11.2023. similarly situated co-accused persons, namely, Shyam Lal Yadav and Jamuna Yadav @ Yamuna Yadav has already been granted bail vide order dated 01.11.2023, passed in Cr. Misc. No. 69209 of 2023 by this Court.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail, after framing of charge, if not framed. The above named petitioners are directed to be enlarged on bail, **after framing of charge, if not**



framed, on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Kaimur (Bhabhua) in connection with Chand P.S. Case No. 147 of 2023.

(Sunil Kumar Panwar, J)

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