

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10784 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- WAJIRGANJ District- Gaya

=====

BINOD YADAV S/O RAMJEE YADAV R/O VILLAGE- BUDHGHAREYA,
P.S- WAZIRGANJ, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 06-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Wazirganj P.S. Case no.194 of 2023 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner and one another assaulted his son with *lathi*, *danda*, *fist* etc. as a result of which he sustained internal injury and became unconscious. Seeing the informant, the accused persons escaped. On being taken to the hospital, it is stated that he died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. It is



for this reason that the post-mortem report does not support the allegations as levelled in the FIR. In the post-mortem report, only an abrasion over sternum has been found and no other external injury has been found on the body of the deceased. The allegations anyway are general and omnibus in nature. The petitioner is in custody since 2.8.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the material on record, this Court finds that the allegations levelled against the petitioner are general and omnibus in nature. Further, in the FSL report called for, it is stated that on chemical examination, no mettalic, alkaloidal or poisonous substance could be detected

7. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel for the petitioner, the contents of the post-mortem report, the petitioner having remained in custody for more than 1 year and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Wazirganj P.S. Case no.194 of 2023 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 Additional
Chief Judicial Magistrate Ist, Gaya.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

