

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26013 of 2024

Arising Out of PS. Case No.-16 Year-2013 Thana- SHANKARPUR District- Madhepura

Baiju Yadav @ Amit Kr Yadav, aged about 40 years, Male, S/o Late Ram Krishna Yadav, R/o vill - Hirolwa, P.S. - Shankarpur, Distt. - Madhepura (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Akash Anand, Advocate
For the Opposite Party : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

10 25-09-2024 This matter has been listed under the heading 'For Orders'.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Shankarpur P.S. Case No. 16 of 2013 dated 28.03.2013 registered for the offence punishable under Sections 302/34 of the I.P.C.

4. As per the prosecution case, on 27.03.2013 at about 1.00 P.M., the informant's neighbour, Shambhu Yadav, Baiju Yadav (petitioner) and Chichai Yadav abused the informant's family due to earlier land dispute. On being protested, the co-accused Shambhu Yadav assaulted with *Fatta* and shot an arrow



on the chest of the informant's brother, Bhupendra Yadav, due to that he became unconscious and fell down on the ground. The co-accused Chichai Yadav and Baiju Yadav (petitioner) assaulted with fists and slaps. When the informant came to rescue his brother, the accused persons assaulted with lathi-danda due to that the informant's younger brother Anil Yadav sustained injury. When the nearby people came, the accused persons fled away from there. The brother of the informant, Bhupendra Yadav was brought to the local hospital, Shankarpur and from where he was referred to Sadar Hospital, Madhepura, where he died.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties. There is case and counter case between the parties for the same offence. There is free fight between the parties in which the petitioner's side has also sustained injuries. It is submitted that there is general and omnibus allegation against the petitioner. There is specific allegation against the co-accused Shambhu Yadav to cause injury on the chest of the deceased Bhupendra Yadav through an arrow. The doctor in the postmortem report, has also found only one injury on the chest of the deceased, as detailed



in paragraph no. 51 of the case diary. It is submitted that the other co-accused person, namely, Chichai Yadav, has already been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 33971 of 2013 under order dated 11.03.2014. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.10.2023 as per the impugned order dated 07.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vth, Madhepura in connection with Shankarpur P.S. Case No. 16 of 2013 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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