

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31943 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- CHAUSA District- Madhepura

Sanjay Yadav son of late Ram Sharan Yadav Village- Fulkia Tola W.No-5, Ps-
Chausa Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.
Mr. Barun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Chousa P.S. Case No.314 of 2023
registered for the alleged offences under Section 302 of the Indian
Penal Code.

03. As per prosecution case, petitioner and other co-
accused persons assaulted the father of the informant when he
went to their house and scolded them about their cows eating the
cauliflower plants of the informant. The father of the informant
died on spot due to assault by petitioner and others.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
No occurrence as alleged has ever taken place. The father of the



informant has been suffering from old age as well as the some ailments and died due to natural cause. The post mortem report of the deceased does not show any physical external injury and cause of death has been mentioned as hemorrhage and shock. Learned counsel further submits taking advantage of the death of his father, the informant has falsely implicated the petitioner and other co-accused persons. Altogether nine persons have been made accused in this case with general and omnibus allegation of assault against the father of the informant but it is surprising that no physical external injury has been found on the body of the father of the informant. The prosecution story is completely absurd. The petitioner is having no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant opposes the submission made on behalf of the learned counsel for the petitioner. Learned counsel appearing on behalf of the informant submits that the post mortem report shows death has been caused due to hemorrhage and shock but the same resulted from assault by the petitioners and other co-accused persons.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the post mortem report showing no external injuries and further considering death resulting from hemorrhage and shock, let the



petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned S.D.J.M., Udakishanganj, Madhepura in connection with Chousa P.S. Case No.314 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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