

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51414 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- SAHARGHAT District- Madhubani

=====

Ganesh Yadav @ Ganesh Kumar, Male, aged about 25 years, Son Of Panchu Yadav @ Sunil Yadav, R/O Village- Mukhiyapatti, P.S.- Saharghat, Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 30 of 2023 dated 06.03.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the I.P.C.

3. As per the prosecution case, when the informant's brother was talking to someone on mobile phone then the petitioner and the co-accused persons are alleged to have come to his door with arms and started abusing. When the informant and his elder brother protested then the co-accused, Shambhu



Yadav ordered to kill then the co-accused Shambhu Yadav and Ganesh Yadav (petitioner) caught hold of the informant's elder brother and the co-accused Mahesh Yadav stabbed on his back. The elder brother of the informant became senseless and fell down. Thereafter, the co-accused persons Panchu Yadav, Lal Babu Yadav and Kishun Yadav assaulted the informant's brother with *lathi* causing head injuries. When the informant came to rescue his brother, he was also assaulted by the co-accused Bhikhari Yadav, Ram Vivek Yadav and Guddu Yadav. The co-accused Mahesh Yadav also assaulted with *knife* on the informant but anyhow he was saved. The informant's brother was taken to the hospital where he was declared dead by the doctor.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no eye witness to the alleged occurrence. There is case and counter case between the parties. There is a land dispute between the parties. It is further submitted that as per the F.I.R., it appears that the only allegation against the petitioner is that on the instigation of the co-accused Shambhu Yadav, he alongwith the co-accused Shambhu Yadav caught hold of the informant's brother and said



to the co-accused Mahesh Yadav to stab with knife to the informant's brother thereafter the co-accused Mahesh Yadav stabbed with the knife to the informant's brother. It is further submitted that no such injury was found rather the deceased died due to haemorrhage and shock caused by the hard and blunt substance which is evident from the impugned order. The charge sheet has been submitted in the present case. There is general and omnibus allegation against the petitioner. No incriminating article has been recovered from the possession of the petitioner. The other co-accused Mahesh Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. No. 85818 of 2023 under order dated 03.04.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.04.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned J.M. Ist Class, Benipatti, Madhubani in connection



with Saharghat P.S. Case No. 30 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

