

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54709 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- PARASBIGHA District- Jehanabad

1. Nirmal Yadav @ Nirmal Kumar son of Late Suresh Yadav Village- lachhubigha Ps- Parasbigha Dist- Jehanabad
2. Om Yadav @ Om Kumar son of Pechu Yadav Village- lachhubigha Ps- Parasbigha Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Parasbigha P.S. Case No. 260 of 2023 lodged under Sections
341, 323, 302, 504, 506/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against seven named accused persons including the
petitioners against whom there is allegation that they attacked
on the informant's house by bricks. In the meantime, due to
attack by the bricks, the father of the petitioners injured and
when he went to hospital with the help of co-villagers, doctor
declared him died.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the content of F.I.R., it become crystal clear that both informant and accused persons are resident of same village and they are well known to each other.

5. Counsel further submits that on petty issue relating to land, the scuffling took place between informant and petitioners' family. He further submits that the deceased was old aged person of about 70 years and due to scuffling, he died due to heard attack and same internal cause and not due to attack by bricks.

6. Counsel further submits that he has annexed post-mortem report which is Annexure-2 of the bail application and on the post-mortem report, there is no external injury found on the body of the deceased.

7. Counsel for the petitioners submits that petitioners are in custody since 30.04.2024 and petitioner No.1 has clean antecedent whereas petitioner No.2 has one criminal antecedent in which he has been acquitted. He further submits that the petitioners are law abiding citizens and they shall face the trial and ready to fulfill all the conditions whatsoever shall be imposed upon them.



8. Counsel also submits that the other co-accused has been granted bail by this Court vide order dated 26.07.2024 passed in Cr. Misc. No. 36748/2024.

9. Learned counsel for the State opposes the prayer for bail.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. -1st Class, Jehanabad in connection with Parasbigha P.S. Case No. 260 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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