

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60650 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- BHAWANIPUR District- Purnia

Dharampal Kumar Yadav @ Chhotu Kumar Yadav S/O Rajendra Prasad
Yadav Resident of Madhavnagar, P.S- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. N. Shahi, Sr. Advocate

Md Fazle Karim, Advocate

For the State : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-11-2024 Heard learned senior counsel for the petitioner;
learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bhawanipur P.S. Case No. 258 of 2023 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. The petitioner along with other accused persons are said to have killed the deceased. The deceased died after about 16 days of the occurrence.

4. It has been submitted by learned senior counsel for the petitioner that it has come during investigation that it is the



prosecution side who first assaulted the accused side and thereafter, the accused side on grave and sudden provocation had assaulted the deceased. Mr. Shahi, learned Senior counsel further submits that this amounts to culpable homicide not amounting to murder. The petitioner is in jail since 15.05.2024.

5. Leaned counsel for the State and the informant have opposed the prayer for bail and have submitted that it is the petitioner who had given the blow on the head of the deceased because of which the deceased died after 15 days while undergoing treatment.

6. Considering the facts of the case and considering the fact that the occurrence has taken place because on grave and sudden provocation, in my opinion, the petitioner deserves bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea/concerned Court in connection with Bhawanipur P.S. Case No. 258 of 2023.

8. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court



on each and every date fixed by the trial Court. Noncompliance of the condition will result in cancellation of the bail bonds of the petitioner.

(Sandeep Kumar, J)

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