

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67822 of 2024

Arising Out of PS. Case No.-439 Year-2021 Thana- FATEHPUR District- Gaya

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Bharath Yadav @ Bharat Yadav Son of Narayan Yadav R/O- Village-
Bhetaura, PS- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate
For the State : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the informant and his brother were in the fields, in the meantime, all the F.I.R. named accused persons, including this petitioner, armed with *lathi*, rod, *khanti* and firearms came there and restrained them from cultivating the field. Thereafter, upon protest, all the accused persons brutally assaulted informant and his brother by weapons, as a result of which, brother of informant died during course of treatment.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. As a matter of fact, no such occurrence, as alleged in the F.I.R., has ever taken place. Petitioner has falsely been implicated in this case due to ulterior motive. From bare perusal of the F.I.R. it is apparent that petitioner is only alleged to have assaulted on the hand of the deceased. It is further submitted that similarly situated co-accused person, namely *Rambali Yadav*, who is alleged to have assaulted on the head of the deceased, has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 22.06.2023 passed in *Cr. Misc. No. 5956 of 2023*. Petitioner has got no criminal antecedents and he is in custody since 02.05.2024. Moreover, charge-sheet has already been submitted and there is no chance of tampering with the evidence.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that he, along with other accused persons, assaulted informant and his brother as a result of which, brother of informant died during course of treatment.

6. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation, claim based on parity, period of custody and clean antecedents of the



petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Xth, Gaya, in connection with Fatehpur P.S. Case No. 439 of 2021.

(Prabhat Kumar Singh, J)

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