

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72780 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Gandhi Yadav Son of Late Hira Yadav R/O Village- Rampur Madho, Purv
Tola, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Adv
For the Informant	:	Mr. Sushil Kumar, Adv
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kuchaikote P.S. Case No. 233 of 2024 dated 29.05.2024 registered for the offences punishable u/ss 341, 323, 325, 307 read with Section 34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

3. As per the prosecution case, on 26.05.2024 at 8 A.M., the informant's father was leveling soil at his door, in the meantime, the petitioners and the co-accused persons started abusing him and said that they are co-sharer in the land. The informant's father replied that he has got the land registered in



his name upon which the accused persons started assaulting him. They dragged the father of the informant forcibly to Brahmasthan and dashed the head of the informant's father to chabutara. The informant's father became unconscious. The informant's wife called him and gave information about the incident. The informant came and took his father to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The allegation against the petitioner is general and omnibus in nature. The occurrence took place on 26.05.2024 but the F.I.R. was lodged on 29.05.2024 and there is no explanation for this delay. There is a land dispute between the parties. As per the post mortem report, abrasion over the left eyebrows and left side chest has been found over the body of the deceased and no external injury has been found. No specific allegation is levelled against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.05.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the



petitioner by submitting that as per the post-mortem report of the deceased, cause of death is haemorrhage and shock due to injury caused by impact of hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Gopalganj in connection with Kuchaikote P.S. Case No. 233 of 2024, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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