

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85818 of 2023

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

MAHESH YADAV @ MAHESH KUMAR YADAV S/O PANCHU YADAV
@ SUNIL YADAV R/O VILLAGE- MUKHIYAPATTI, P.S- SAHARGHAT,
DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar, Adv.
For the informant	:	Mr. Ravindra Kumar Singh, Adv.
		Mr. Amresh Kumar, Adv.
For the Opposite Party/s	:	Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Saharghat P.S. Case No. 30 of 2023 dated 06.03.2023 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

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



Yadav ordered to kill then the co-accused, Ganesh Yadav and Sambhu Yadav caught hold of the informant's brother and the petitioner Mahesh Yadav stabbed on his back. The brother of the informant became senseless and fell down. Thereafter, the co-accused persons Panchu Yadav, Lal Babu Yadav and Kishan Yadav assaulted the informant's brother with lathi causing head injuries. The informant's brother was taken to the hospital and 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 this case. There is a case and counter case between the parties. Learned counsel has further submitted that both parties are *gotiya* and there is a previous land dispute between them. It is further submitted that the petitioner has no concern with the alleged offence and he was only the members of a mob. As per the post-mortem report, the deceased died due to haemorrhage and shock caused by hard and blunt substance which is evident from the impugned order as stated in para 16 of the bail petition. The co-accused persons have already been granted



anticipatory bail by this court vide order dated 22.01.2024 passed in Cr. Misc. No. 79126 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.09.2023.

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

6. Considering the aforesaid facts and circumstances of the case as well as 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, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 30 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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