

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5293 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- KAUWAKOL District- Nawada

Amresh Yadav S/O ARJUN YADAV @ ARJUN KANHAY YADAV
VILLAGE- BHORAM BAGH, PS. KOWAKOLE IN THE DIST. OF
NAWADA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar
For the Opposite Party/s :	Mr.Md. Shakir Ahmad
For the Informant/s :	Mr. Durgesh Nandan
	Ms. Puja
	Ms. Rashmi Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kowakole P.S. Case No. 496 of 2023 registered for the offences
punishable under Section 302/34 of the IPC.

3. As per prosecution case, petitioner and others
armed with iron rod and lathi came to the house of the informant
and co-accused Pawan Yadav assaulted the informant's son,
Shishupal Rai, by means of iron rod as a result of which he
sustained injury on his head and fell on the ground. Thereafter,
all the accused persons assaulted informant's son, Shishupal
Rai. It is further alleged that petitioner assaulted upon the head



of informant's wife by means of iron rod as a result of which she sustained injury on her head. It is further alleged that co-accused Mukesh Yadav assaulted upon hand and head of informant. It is also alleged that informant's son, Shishupal Rai, died during the course of treatment.

4. Learned counsel for the petitioner submits that petitioner is in custody since 26.08.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that specific allegation of assaulting, Shishupal Rai, who died in the said occurrence, is against co-accused Pawan Yadav. He further submits that specific allegation of assaulting informant's wife is against petitioner and there are two injuries on the victim; one injury is on head and other is injury at her right hand. There is no repetition of blow upon the head of the victim. Petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that co-accused, Mukesh Yadav, who assaulted informant upon his head and hand, has already been granted bail vide Cr. Misc. No. 84449 of 2023 by the co-ordinate Bench of this Court and on the principle of parity, petitioner deserves bail.



5. The learned A.P.P. for the State as learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and they submit that there is direct allegation against the petitioner who is said to have assaulted upon the head of informant's wife and the same is corroborated by injury report itself. Learned counsel for the informant has filed counter affidavit in which he has submitted that allegation made in FIR is supported by injury report.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Kowakole P.S. Case No. 496 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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