

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21656 of 2025

Arising Out of PS. Case No.-1370 Year-2022 Thana- KHAGARIA District- Khagaria

Chhotan Yadav Son of Late Gulo Yadav Resident of Village - Chakkipar,
Police Station - Gangour (Khagaria), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. Earlier, regular bail of the petitioner was rejected vide order dated 113.09.2024 passed in Cr. Misc. No. 48404 (Annexure-P1). The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with Khagaria (Gangour) P.S. Case No. 1370 of 2022, instituted for the offences punishable under Sections 448, 341, 323, 325, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.



4. The prosecution case, in short, is that, the petitioner along with other co-accused persons armed with deadly weapons entered into the house of the informant and started abusing and assaulting him. The informant died during his treatment.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case as well as Charge has been framed against the petitioner on 05.02.2025. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus in nature. No specific allegation is levelled against the petitioner, rather specific allegation of assault is attributed against co-accused, Pappu Yadav. It is next submitted that both the parties are own *gotiya*. The petitioner is own brother of the deceased. There is land dispute between the parties. The petitioner is in custody since 13.04.2024 and has got one criminal antecedent in which he is on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Gangour) P.S. Case No. 1370 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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