

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37995 of 2024**

Arising Out of PS. Case No.-232 Year-2023 Thana- MANIGACHI District- Darbhanga

Shambhu Yadav Son of Ram Narayan Yadav (Wrongly mentioned in F.I.R. as Ram Lakhan Yadav), Resident of Village - Nehra (Yadav Tola), Police Station - Manigachhi (Nehra O.P.), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                                                                                    |
|----------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Prem Kumar Jha, Adv.<br>Mr. Bijay Bhushan Prasad, Adv.<br>Ms. Swati Kumari, Adv.<br>Mr. Rajesh Kumar Jha, Adv.<br>Mr. Ravi Shashi Bharti, Adv. |
| For the State        | : | Mr. Raj Ballabh Singh, APP                                                                                                                         |
| For the Informant    | : | Mr. Prafull Chandra Thakur, Adv.<br>Ms. Madhumala Kumari, Adv.                                                                                     |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

10    14-02-2025                      Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P. for the State.

2.    The petitioner seeks bail in connection with Manigachhi (Nehra O.P.) P.S. Case No. 232/2023 registered for the offences punishable under Sections 341, 342, 302 and 34 of the Indian Penal Code.

3.    As per prosecution case, petitioner is said to have assaulted the deceased Amit Kumar upon his head by means of *iron rod* as a result of which he became unconscious and fell down.

4.    Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in FIR. He further submits that alleged occurrence took place on 26.09.2023, the brother of the informant died on 26.10.2023 and FIR has been lodged on 27.10.2023 i.e. after delay of one month and one day. The deceased was treated at P.H.C., Manigachhi where injuries are stated to be simple in nature subject to confirmation by the D.M.C.H. He further submits that the informant has himself stated that after getting treatment at P.H.C., Manigachhi they have got the deceased treated at local level and they have not approached D.M.C.H., since the treatment given to the deceased at local level was sufficient. He further submits that when the deceased was treated at P.H.C., Manigachhi, there was no injury on the head of the deceased. He further submits that from the perusal of FIR, there is no eye witness of the alleged occurrence. He further submits that the petitioner has himself surrendered before the learned trial court on 15.03.2024 and since then he is in custody and he bears no criminal antecedent except one case and in the said case the petitioner has already been acquitted. He further submits that on 26.10.2023 victim died and postmortem conducted and his body was cremated on the same day in haste without lodging the FIR and without preparation of inquest report. He further submits



that the concerned Police Station and Primary Health Centre were situated in same village of informant i.e. Nehra, but no FIR was lodged and only Panchayati was held and dispute was immediately settled by the villagers forever. He further submits that the petitioner and informant are agnates and on account of previous dispute between the parties, the petitioner has been falsely implicated in the present case. Charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner orally submits that charge has been framed and no witnesses has been examined as yet. There is no flight risk and the pace of trial does not indicate that the trial is yet to be concluded in near future. Hence, the petitioner deserves bail.

5. The learned counsel for the informant as well as A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is the sole assailant who is said to have assaulted the victim and he died.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Darbhanga in connection with Manigachhi (Nehra O.P.) P.S. Case No. 232/2023, 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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