

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78861 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- KUMAR KHAND District- Madhepura

Jai Krishna Yadav Son of Late Satya Narayan Yadav Village- Shiv Nagar,
Jamuaha, Ward no.8, P.S- Belari, District- Madhepura Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kumar Vishoka Nand, Advocate

For the Opposite Party : Mr.Narendra Kumar Singh, A.P.P.

Mr. A.Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-03-2025 Heard learned counsel for the petitioner and the State.

2. The petitioner seeks regular bail in a case registered for the offence punishable under sections 341, 323, 324, 307, 435, 302/34 of the Indian Penal Code.

3. As per the prosecution case, on 14.04.2024 when informant was at home, suddenly she heard hulla, then she saw that some persons of her gotia, namely, Bhupendra Yadav, Jai Krishna Yadav (the petitioner), Pawan Kumar, Pradeep Kumar, Pamkaj Kumar Mister Kumar and Binod Yadav @ Khokha Yadav were assaulting Nunulal Yadav with sharp weapon. Bhupendra Yadav was burning the wheat field with match box and fire spread in whole field. It is further alleged that when husband of informant tried to save Nunulal Yadav, then all accused persons started assaulting him as a result of which he fell down on the ground. He was taken to the hospital where he died.



4. Learned counsel appearing for the petitioner submits that as per the FIR, total seven accused persons assaulted the deceased with sharp cutting weapons but post mortem report opines that there was only one injury on the dead body, which falsifies the prosecution case. Allegation of assault is general and omnibus against this petitioner and no specific overt act has been alleged against him. Petitioner claims clean antecedent. Charge sheet has already been filed. Petitioner is in custody since 22.5.2024.

5. Learned counsel for the State and the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate III, Madhepura in Kumarkhand (OP Belari) Police Station Case No. 115 of 2024.

(Prabhat Kumar Singh, J)

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