

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87106 of 2024

Arising Out of PS. Case No.-246 Year-2021 Thana- KUMAR KHAND District- Madhepura

Ramprabhash Yadav @ Ramprawesh Kumar S/O Yougi Yadav @ Youganand
Yadav R/O Vill.- Guriya, ward no -13, P.S-Kumarkhand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-04-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Kumarkhand P.S Case No.246 of 2021 registered for offences under Section 341, 323, 325, 307, 354, 504, 302/34 of the Indian Penal Code.

3. It would appear from the First Information Report that the five named accused persons, including the petitioner, are said to have come variously armed with iron rods, farsa, lathi etc., and have resorted to indiscriminate assault upon Kailu Yadav. As a result, the said Kailu Yadav succumbed to the injuries received. There is further allegation in the F.I.R. that when female members of the family intervened in the matter, the



petitioner pushed the daughter of the informant on the ground.

4. Learned counsel for the petitioner submits that there is a general and omnibus allegation in the F.I.R. and the same has been lodged against five accused persons. He also submits that there is a case and counter case from both the sides. It has also been submitted that initially a case was registered under Section 307 and other analogous cases of the I.P.C., and subsequently Section 302 was also added. It is further been brought to the notice of the Court that after investigation, the final report was submitted in favour of the petitioner on 14.12.2022, which is annexed as Annexure P/4 to this petition. However, the learned Magistrate had taken cognizance against all, including this petitioner. Learned counsel for the petitioner draws attention towards the orders of this Hon'ble Court, whereby the privilege of bail has been granted to other co-accused persons, and such orders have been annexed as Annexure P/3 series to the petition, a perusal whereof would show that accused persons Dhaneshwar Yadav has been granted privilege of bail by order dated 22.08.2024, passed in Criminal Miscellaneous No. 17231 of 2022, and co-accused person Sanoj Yadav was granted bail by the order dated 2318.01.2023, passed in Criminal Miscellaneous No. 36221 of 2022, and co-accused



Binod Yadav was also granted the privilege of bail by the order dated 17.08.2023, passed in Criminal Miscellaneous No. 51732 of 2023.

5. Learned APP for the State opposes the prayer for regular bail application.

6. Considering the fact that there is general and omnibus allegation in the FIR as also the similarly situated persons have already been enlarged on bail, as also the fact that the petitioner has no criminal antecedent and is languishing in custody since 02.09.2024, the petitioner is 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 learned A.C.J.M.-III, Madhepura, in connection with Kumarkhand P.S Case No.246 of 2021, subject to the condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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