

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87606 of 2024

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

Kumod Yadav S/O Dhaneshwar Yadav Resident of village - Guriya, ward no -
14, Police Station- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kumarkhand P.S. Case No. 246 of 2021 registered for the offences punishable u/s 341, 323, 325, 307, 354, 504, 506, 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 02.09.2021, at about 2:30 P.M., five named accused persons including the petitioner armed with Lathi, Iron Rod and Farsha came to the house of the informant and started abusing him. On being protested by the informant, all the accused persons assaulted Kailu Yadav(brother of the informant) by means of Lathi as a result of which he got a fracture in his hand and subsequently



died. It is further alleged that when female members of the family intervened in the matter, all the accused persons also assaulted them by means of iron rod and also snatched a gold chain from the neck of the informant's daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the allegations are general and omnibus in nature and there is nothing to connect the petitioner with the present crime. It is next submitted that similarly situated co-accused persons, namely, Dhaneshwar Yadav, Sanoj Yadav and Binod Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 17231 of 2022, vide order date 18.01.2023 passed in Cr. Misc. No. 36221 of 2022 and vide order dated 17.08.2023 passed in Cr. Misc. No. 51732 of 2023 respectively. It is next submitted that there is a land dispute between the parties and the chargesheet has been submitted against the petitioner. It is lastly submitted that the petitioner has clean criminal antecedents and is in custody since 08.08.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that there is an allegation against the petitioner and others to have assaulted one Kailu



Yadav, who subsequently died, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that there is general and omnibus allegation against the petitioner and similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, let the petitioner above-named, be enlarged 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 Court concerned, Madhepura in connection with Kumarkhand P.S. Case No. 246 of 2021.

7. The application stands allowed.

(Sourendra Pandey, J)

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