

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87846 of 2024

Arising Out of PS. Case No.-467 Year-2023 Thana- BANKA District- Banka

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Budhan Yadav @ Budhan Mandal son of Bhuka Mandal Village-
Gidhapahari, Ps- and Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Md. Nurul Hoda, Advocate
For the State : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-02-2025 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 447, 148, 149, 341, 323 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 09.07.2023, while the husband of the informant, namely Bedeshi Yadav, had gone towards fields, this petitioner and co-accused Congress Mandal were ploughing the field of the informant and when the same was objected, all the accused persons named in the F.I.R., including this petitioner, armed with lathi, assaulted on the head of husband of informant, on account of which he died on the spot.

4. It is submitted by learned counsel for the petitioner



that petitioner is innocent and has falsely been implicated in this case. As a matter of fact, due to land dispute, a free fight took place between the parties in which both sides sustained injuries. There is case and counter-case between the parties. Allegation of assault is general and omnibus and there is no specific accusation of overt act against this petitioner. It is further submitted that the *post mortem* report does not support the prosecution case. As per F.I.R., all the accused persons named in the F.I.R., including this petitioner, assaulted the deceased but doctor has found only one injury on the person of the deceased which itself falsifies the entire prosecution case. Similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 08.11.2023 passed in Cr. Misc. No. 72243 of 2023. Petitioner is in custody since 23.09.2024. Moreover, charge-sheet has already been submitted. Petitioner has got no criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances , nature of accusation, case and counter-case between the parties, claim based on parity, period of custody and clean antecedents



of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released 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 C.J.M., Banka in connection with Banka P.S. Case No. 467 of 2023.

(Prabhat Kumar Singh, J)

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