

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24976 of 2018

Arising Out of PS.Case No. -120 Year- 2014 Thana -BABUBARHI District- MADHUBANI

Bhagwat Yadav Son of Late Lalo Yadav resident of Village- Basaha, P.S. Babubarhi, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Smt Renu Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 31-05-2018 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Babubarhi P.S. Case No. 120 of 2014 for the offences punishable under Sections 147, 148, 149, 323, 324, 326 and 307 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and other family members including Ram Prasad Mahto resulting in death of Ram Prasad Mahto.

The learned counsel for the petitioner submits that as far as the petitioner is concerned, he is said to have assaulted Ganga Yadav, the informant of the present case and the said Ganga Yadav is said to have received injuries but he is not the deceased person. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 19.01.2018. It is also the submission of the learned counsel for the



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petitioner that similarly situated co-accused person has been granted bail by an order dated 06.04.2015 passed in Criminal Misc. No. 11276 of 2015.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has produced an order of this Court dated 20.04.2018 passed in Criminal Misc. No. 23051 of 2018, whereby and whereunder the prayer for bail of one of the co-accused persons has been rejected.

Having considered the arguments advanced by the respective parties, I find that as far as the rejection of bail by this Court of Rajdeo Yadav by an order dated 20.04.2018 is concerned, the reason for rejection is that the said Rajdeo Yadav is said to have assaulted the deceased Ram Prasad Mahto resulting in his death whereas the order dated 06.04.2015 passed by this Court in Criminal Misc. No. 11276 of 2015 is a case which is similar to the present case.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.D.J.-II, Madhubani in connection with Babubarhi P.S. Case No. 120 of 2014.

(Mohit Kumar Shah, J)

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