

Bhola Yadav @ Ramashankar Yadav vs The State Of Bihar on 22 March, 2025

Author: Chandra Shekhar Jha

Bench: Chandra Shekhar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1907 of 2025
Arising Out of PS. Case No.-530 Year-2024 Thana- PANCHRUKHI District

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Bhola Yadav @ Ramashankar Yadav, S/o Nand Kumar Yadav, Resident of Village-Jasauli Kharg, P.O. and P.S.- Pachrukhi, Distt.- Siwan, Bihar, Code- 841241.

... .. P

Versus

The State of Bihar

... .. Opposite

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
		Mr. Ravi Prakash Dwivedi, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For the Informant	:	Ms. Urmila Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Pachrukhi P.S. Case No.530 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 303(2), 324(4), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The accused/petitioner is named in the FIR and is in custody since 16-11-2024.

4. Allegation against the petitioner is to assault the son of informant, daughter-in-law and other family members along with other accused persons with iron rod, lathi, brick Patna High Court CR. MISC. No.1907 of 2025(3) dt.22-03-2025 piece etc. The occurrence is arising out of land dispute, where during the course of treatment, son of the informant namely, Munna Kumar Yadav died.

5. It is submitted by Mr. Praveen Kumar, learned counsel appearing for the petitioner that the occurrence alleged is free fight in nature, where both parties received injuries and, therefore, it cannot be said that the petitioner was under intention to cause death. In this context, it is further submitted that even from the facial perusal of the FIR, the allegation to cause fatal head injury by

iron rod is available against co-accused, Devbali, where this petitioner appears part of mob only. It is submitted that for the same set of occurrence, the petitioner's side also lodged a case against informant's side, which has been registered prior to lodging the present case as Pachrukhi P.S. Case No.525 of 2024. It is submitted that even the injured persons not specifically stated during the course of investigation that this petitioner assaulted to them. While concluding argument, it is submitted that investigation of this case is now completed, for which, charge-sheet is already submitted and, as such, there Patna High Court CR. MISC. No.1907 of 2025(3) dt.22-03-2025 is no chance of tampering with the evidence. The petitioner claimed to be a man of clean antecedent. It is also pointed out that both parties are agnate and the occurrence took place in the background of land dispute.

6. Learned APP duly assisted by Ms. Urmila Kumari, learned counsel for the informant while opposing the prayer of bail submitted that the petitioner has actively involved in present occurrence. It is pointed out that as the family members of the injured/deceased was busy with their treatment, therefore, with little delay this FIR was lodged subsequent to the FIR lodged by petitioner's side. It is submitted that the other persons during the occurrence also received grievous injuries appears to be caused by the petitioner and other co-accused persons. However, she could not denied the occurrence as free fight in nature in the background of land dispute.

7. In view of aforesaid factual submissions and by taking note of fact as occurrence appears prima facie free fight in nature, where both parties received injuries, coupled with the fact that allegation of fatal assault appears against Patna High Court CR. MISC. No.1907 of 2025(3) dt.22-03-2025 Devbali, where petitioner only equipped with lathi and brick piece as a part of mob and moreover investigation of this case is already completed, where petitioner is in custody since 16.11.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi P.S. Case No.530 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.) Sanjeet/-

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