

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11848 of 2016

Arising Out of PS.Case No. -181 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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1. Ramadhar Yadav @ Adhar Yadav, S/o Chandradeo Yadav
2. Kedar Yadav, S/o Chandradeo Yadav. Both are Residents of Village-
Takra Khaira, P.S.- Rafiganj, District-Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 24-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners are languishing in custody since 28.01.2016
in connection with Rafiganj P.S. Case No. 181 of 2015 for the
offences alleged under Sections 302, 307, 325, 323, 341, 147, 148
and 149 of the Indian Penal Code.

The prosecution case is that as per First Information
Report, it is alleged that on 14.11.2015 at 2.00 P.M. the father of
the informant namely, Ram Ishwar Yadav, his mother Amanti
Devi were harvesting paddy in south badhar of the village and the
informant had gone to attend tuition at Rafiganj. He telephonically
came to know at 5.00 P.M. that his father has been beaten by
Mithilesh Yadav, Adhar Yadav, Kedar Yadav, Ritesh Yadav,



Chhatish Kumar, Yugesh Yadav, Barun Kumar, Vishwajeet Kumar, Lalendra Kumar, Awadhesh Yadav and Amit Yadav by lathi, danda and his father is unconscious and he was asked not to come at house otherwise, he will also be killed. The informant came and concealed himself in the room. At about 5.00 P.M., when the Police came, he came out from the house and he saw that his father is dead and mother has also received injury on her person. So, it is alleged that named accused persons have committed the murder of the deceased.

It has been submitted by the learned counsel for the petitioners that the deceased was of a criminal antecedent, whereas the petitioners have no criminal history as is evident from paragraph 3 of this application. He further submits that there was some altercation between both the parties and as a result of which, it is alleged that 11 persons including the petitioners assaulted the deceased resulting in his death. He further submits that the allegation is not specific but general. Learned counsel for the petitioners also submits that the mother of the informant, who was also at the place of occurrence got injured and named all the persons as named in the First Information Report.

However, learned A.P.P. for the State submits that the petitioners along with co-accused variously armed had beaten the

informant’s father to death, which is corroborated by the post mortem report.

Be that as it may, since the petitioners along with other co-accused had beaten the father of the informant to death, I am not inclined to grant the privilege of bail to the petitioners.

Accordingly, the prayer for bail is, hereby, rejected.

(Nilu Agrawal, J)

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