

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44056 of 2017**

Arising Out of PS.Case No. -130 Year- 2014 Thana -HARSIDHI District-  
EASTCHAMPARAN(MOTIHARI)

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1. Pappu Kumar @ Pappu Yadav, Son of Kapildeo Yadav, resident of  
Village: Panapur, Bherihari, P.S.: Harsidhi, District- : East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

6      30-11-2017                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Petitioner is languishing in custody since  
15.02.2017 in connection with Harsidhi P.S. Case No. 130  
of 2014 for offences punishable under Section 302 and other  
allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant,  
is that while he was going, co-accused Kapildeo Yadav put  
him down on the road and the petitioner along with co-  
accused Moti Yadav beat him with sticks, as a result he was  
seriously injured. During course of treatment he died.

It has been submitted by the learned counsel for



the petitioner that he is innocent, bears no criminal antecedent and there is general and omnibus allegation against all the three co-accused and two other persons. He submits that both were bataidars and because of land dispute he has been falsely alleged to have committed the offence. He further submits that although it is stated that the petitioner and other co-accused Moti Yadav beat the informant with sticks but only one injury has been found which is swelling on the head and apart from that there is no external injury on the body of the deceased, which cannot be attributable to the petitioner. It is also submitted that charge-sheet has been submitted under Section 304 of the IPC.

However, learned APP for the State opposes the prayer for bail stating therein that the bail application of co-accused has been rejected by a coordinate Bench of this Court on similar allegation.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Harsidhi P.S. Case No. 130 of 2014, pending in the court of



learned Chief Judicial Magistrate, East Champaran at  
Motihari.

Application is, accordingly, rejected.

**(Nilu Agrawal, J)**

Rajesh/-

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