

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25684 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

1. Bhuneshwar Prasad @ Bhuneshwar Yadav S/o Sohrai Yadav @ Harai Yadav Resident of Village- Horidih, P.S.- Neemchack Bathani, District- Gaya.
2. Baunu @ Upendra Yadav @ Babay Yadav Son of Late Baldeo Yadav Resident of Village- Horidih, P.S.- Neemchack Bathani, District- Gaya.
3. Faresh Yadav @ Rajesh Yadav S/o Late Karu Yadav Resident of Village- Horidih, P.S.- Neemchack Bathani, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                                                        |
|------------------------|---|--------------------------------------------------------|
| For the Petitioners    | : | Lilawati Singh, Advocate                               |
| For the Opposite Party | : | Mr. Addl Public Prosecutor<br>Ramakant Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      23-11-2020                      Heard learned counsel for the petitioners, the State and the informant through video conferencing.

The petitioners seek bail in Bathani Police Station Case No. 15/2020 registered for the offences punishable under sections 307/302 of the Indian Penal Code and section 27 of the Arms Act.

The informant in her FIR has alleged that the petitioners and other accused persons, all named in the FIR, came at her door, abused and assaulted her and when her family members came in rescue, they were also assaulted by the accused persons by lathi, danda and rod. They also torn her



blouse and saree with bad intention. Accused persons fled away by opening four round firing.

Learned counsel for the petitioners submits that there is general and omnibus allegation against the petitioners and no specific allegation of overt act has come against them during investigation. There is a case and counter case bearing Neemchak Bathani Police Station Case No. 16/2020 filed by one of the co-accused Lalan Kumar against the prosecution party. Petitioners are in custody since 28.2.2020.

Learned counsel for the State as well as the informant oppose the prayer for bail. They submit that in paragraphs 7, 8, 9 and 17 of the case diary, injured/eye witnesses have stated that the petitioners collectively assaulted the deceased which has also been supported by the post mortem report which opines that the multiple injuries were found over the body of the deceased.

In view of the nature as well as the gravity of the offence alleged in the FIR, prayer for bail of all the three petitioners is refused.

**(Prabhat Kumar Singh, J)**

Shashi

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