

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6249 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- MANSI District- Khagaria

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BATAN YADAV @ BATAN BIHARI YADAV Son of Rampravesh Yadav
Resident of Village- Chukti, P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 8954 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- MANSI District- Khagaria

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GOPAL KUMAR @ GOPAL YADAV S/o Ramsewak Yadav R/o village-
Chukti, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 6249 of 2022)

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Bharat Lal

(In CRIMINAL MISCELLANEOUS No. 8954 of 2022)

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

For the Informant : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Mansi

P.S. Case No. 226 of 2021, registered for the offences

punishable under Sections 147, 148, 149, 323, 307, 302,



504 and 506 of the Indian Penal Code.

As per allegation, when the informant along with her husband Rohit Yadav was going to their field, the accused persons armed with *Danda* and Iron Rod abused and assaulted them and on the way to the hospital, the husband of the informant succumbed to the injury.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He submits that the allegation against the petitioners is general and omnibus in nature and there is no specific allegation against any of them. He further submits that there is land dispute between the parties and on account of which the false allegation by the informant has been made . He further submits that post-mortem report also does not corroborate the allegation of the informant.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners saying that all the accused persons have allegedly assaulted the victim resulting into his death. Even as per post-mortem report, there is lacerated wound found over the skull measuring 3" x



$\frac{1}{2}$ " x $\frac{1}{4}$ " and there is fracture of bone on the occipital region and as per the opinion of the doctor, death was caused by haemorrhage and shock, arising out of injury mentioned in the post-mortem report.

The learned APP for the State also submits that the petitioners have been in custody only for one year and there is sufficient material in the case diary in support of the prosecution case.

Considering the aforesaid facts and circumstances, particularly the fact that the accused/petitioners are named in the FIR and have allegedly caused the injury which resulted into the death of the victim, I am not persuaded to enlarge the petitioners on bail at this stage.

The prayer for bail is rejected.

Both the petitions are dismissed accordingly.

(Jitendra Kumar, J)

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