

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42539 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Krishna Kumar, S/O Mafat Lal Yadav @ Bhuvneshwar Yadav, Resident of
Village-Sakrohar, P.S-Beldour, District-Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 43359 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Kamal Kishor Malakar, S/o Nand Dev Malakar, Resident of Village-
Sakarohar, P.S.- Beldour, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42539 of 2021)

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 43359 of 2021)

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioners and Mr.
Brajendra Nath Pandey, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular
bail in connection with Beldour P.S. Case No. 35 of 2021, G.R.
No. 611/2021 registered for the offences punishable under
Sections 147, 148, 149, 448, 323, 326, 307, 302, 379, 506 of the
Indian Penal Code and 27 of the Arms Act. Petitioner in Cr.
Misc. No. 42539 of 2021 has got three criminal antecedents and



is in custody since 09.04.2021, whereas petitioner in Cr. Misc. No. 43359 of 2021 has got one criminal antecedent and is in custody since 24.02.2021.

Learned counsel for the petitioners submits that as per the prosecution story, altogether eight named accused persons and 5–6 unknown persons attacked on the house of the informant lashed with deadly weapons. It is alleged that they abused and threatened the informant's side to withdraw the case. On getting threatening, all the people inside the house of the informant were hiding themselves in a room but accused persons came and forcibly started dragging the mother of the informant. On objection raised by the informant the co-accused Ram Krishna Yadav, Bal Krishna Yadav and Dharo Yadav fired with country made pistol which hit upon the abdomen of the informant's mother who became injured and later on succumbed to the injuries. His uncle Ram Bahadur Mandal came to rescue her then the accused persons are said to have fired upon him also due to which he sustained injury on his head. The informant further stated that earlier the accused persons have committed murder of informant's nephew Sumit Kumar after his kidnapping and they were creating pressure upon the informant's side to withdraw the case.



Learned counsel for the petitioners in both the applications submits that these petitioners are innocent and they have been falsely made accused in the present case. It is his submission that in any case they are not the assailants and at best they are said to be the members of unlawful assembly.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners in both the applications. It is submitted that it is not one of those cases in which the court considers the prayer for bail of the co-accused who are members of the mob and are not assailant, this case has to be seen from a different angle where these petitioners having formed an unlawful assembly and duly lashed with weapon on the attack of the house of the informant in order to pressurize the informant's family to withdraw the earlier case of murder of the informant's nephew. It is further submitted that the petitioners in both the applications are accused in the case of the murder of the informant's nephew and, therefore, they had the motive to somehow get the witnesses threatened so that they do not depose in the case. It is with this motive that the present murder has taken place.

Having regard to the materials available before this court and as submitted by learned counsel for the petitioners that



both these petitioners are accused in the murder of the nephew of the informant and further that these petitioners were allegedly lashed with weapons and had been members of the mob who attacked upon the informant's family and ultimately killed the mother of the informant, this court is not inclined to release the petitioners on bail.

The prayer for regular bail of the petitioners is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J.)

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