

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45907 of 2021

Arising Out of PS. Case No.-186 Year-2020 Thana- MOKAMAH District- Patna

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MAHESH YADAV Son of Late Singeshwar Yadav Resident of Village-
Kanhaipur, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 04-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Arun Kumar Arun, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mokama P. S. Case No. 186 of 2020
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 325, 302 read with 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on



13.09.2020 at about 06:00 P.M. in the evening all the F.I.R. named accused persons including this petitioner variously armed, came to the house of the informant and started abusing. Due to aforesaid reason her elder brother-in-law, namely, Sagar Yadav, came out from the house thereupon, co-accused Rajiv Yadav gave spear blow due to which he received grievous injury and fell down. It is further alleged that all the accused persons assaulted him with *Lathi*, *Danda* and Rod and ultimately he succumbed to injuries.

Learned counsel appearing on behalf of the petitioner submitted that in fact, there is general and omnibus allegation against all the accused persons except Rajiv Yadav, who gave spear blow due to which he succumbed to injuries. It is further submitted that this case is a counter blast to the earlier case bearing Mokama P. S. Case No. 185 of 2020 lodged by family members of the petitioner for the murder of the son of the petitioner, namely, Guddu Kumar. It is further submitted that there is long standing enmity between the parties, which resulted into a free fight wherein the deceased had received injury and there is no specific allegation against this petitioner. It is further submitted that the post mortem report of Sagar Yadav was falsified the prosecution case and this petitioner is in



custody since 12.03.2021.

On the other hand, learned counsel for the informant vehemently opposes the bail application and draws the attention of this court towards the post mortem report, which suggests that the deceased has received multiple injuries. It is also submitted that two of the co-accused, against whom there was identical allegation move before this court in Cr. Misc. No. 21043 of 2021 vide order dated 21.04.2022. A copy of which has been produced before this court and the same has been kept on record.

Learned APP for the State also opposes the bail application and submits that there is allegation against the petitioner that he has also assaulted the deceased and moreover, the cause of death is the injuries attributed to the blows caused by sticks and rod.

Having considered the submissions made on behalf of the parties and taking into account the fact that the prayer for bail of the other co-accused persons, having identical allegation has already been rejected by learned co-ordinate Bench of this Hon'ble Court also taking into note the allegation levelled in the F.I.R. as well as criminal antecedent of the petitioner, this court is not persuaded to enlarge the petitioner on bail for present.



Accordingly, the present application stands dismissed.

Further, it is expected that the learned trial court will take all necessary steps to conclude the trial as early as possible.

(Harish Kumar, J)

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