

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46871 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- KONCH District- Gaya

1. Gaya Yadav Son of Navratan Yadav Resident of Village- Alpa, P.S.- Konch, District- Gaya.
2. Baliram Yadav Son of Gaya Yadav Resident of Village- Alpa, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. M.K.Nirala, APP
For the Informant;		Mr. Bam Bahadur Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 22-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Birendra Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Konch P.S.Case No. 230 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 302, 504/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on account of land dispute all the FIR named accused persons including the petitioners assaulted the father of the informant by means of



lathi, Danda causing serious injuries resultant into his death.

Apart from various submissions, Learned counsel fairly submits that co-accused persons namely, Ramakant Yadav and Chhotu Yadav, against whom, there was similar allegation had moved before this Hon'ble Court in Cr. Misc. No. 9492 of 2021 and the Hon'ble Court having considered the nature of allegation vide its order dated 13.09.2021 rejected the prayer for bail of the petitioners of the said application with liberty to renew their prayer for bail after framing of charge.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that the post mortem report of father of the informant duly corroborated, the allegation of assault by means of lathi and danda, which resultant into his death. learned counsel for the state further submits that parity also demands, the prayer of the petitioner shall be considered after framing of charge.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the prayer for bail of other co-accused persons have been rejected by the learned co-ordinate Bench of this Court and they have been granted liberty to renew his prayer for bail after framing of charge.



Accordingly, the application on behalf of the petitioners stands dismissed with the aforesaid liberty to renew their prayer for bail after framing of charge.

(Harish Kumar, J.)

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