

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50723 of 2021

Arising Out of PS. Case No.-204 Year-2019 Thana- LAXMIPUR District- Jamui

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1. PAPPU YADAV SON OF NUNESHWAR YADAV Resident of Village - Sansarurs, P.S.- Laxamipur (Gidhaur), Distt.- Jamui.
 2. Subodh Yadav Son of Nuneshwar Yadav Resident of Village - Sansarurs, P.S.- Laxamipur (Gidhaur), Distt.- Jamui. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 27-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners and also heard the the learned counsel for the informant as well as the learned Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioner has submitted that **this bail petition with respect to petitioner no. 2 was dismissed as withdrawn on 21.06.2022.**

So far as **petitioner no. 1 is concerned**, he apprehends his arrest in connection with Laxmipur (Gidhaur) P.S. Case No. 204 of 2019 registered for offence punishable under sections 341, 323, 324, 307, 302, 504, 147 and 148 of the Indian Penal Code.



Chunchun Yadav is informant of this case.

As per allegation, when the work of Nal-Jal Scheme was in progress, the accused persons named in the FIR, including the petitioners came there and opposed the work of Nal Jal Yojana after asserting that the land was in their possession. The accused persons assaulted Pawan Yadav and Manoj Yadav with *Bhujali*. When the informant and his father went to rescue Pawan Yadav and Manoj Yadav, all the accused persons assaulted them with *Bhujali*, *Bhala*, *Farsa*, etc. The injured persons were shifted to P.M.C.H. where during the course of treatment, Pawan Yadav died and thereafter, Section 302 of the Indian Penal Code was added in the FIR.

The learned counsel for the petitioner has submitted that the investigating authorities didn't find complicity of the petitioner and submitted final form, but differing with the opinion of the investigating authorities, the learned Magistrate took cognizance even against the petitioner. He has submitted further that there is no specific allegation against the petitioner to inflict assault on the deceased, rather the allegation is general and omnibus against him. He has also submitted that co-accused Subodh Yadav has been granted regular bail in Criminal Miscellaneous Number 19561 of 2022.



On the other hand, the learned counsel for the informant and Sri J.N. Thakur, the learned APP have opposed the prayer for bail. They submitted that the accused persons badly assaulted the members of prosecution side resulting into death of Pawan Yadav. They have submitted further that ignoring the materials collected, the investigating authorities submitted final form and without any basis, they exonerated the petitioner and some other accused persons.

The learned counsel for the informant has submitted that some accused persons have been convicted in this case and the case of the petitioner was split up, as he was absconding.

Considering the above-mentioned facts and circumstances, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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