

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59565 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- IMAMGANJ District- Gaya

1. Baijnath Mistri S/O Late Nanhku Mistri R/O Village-Dubahal, P.S-
Imamganj, District-Gaya.
2. Shrawan Mistri S/O Late Nanhku Mistri R/O Village-Dubahal, P.S-
Imamganj, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Imamganj
P.S. Case No. 100 of 2021 instituted for the offences under
Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 and
302 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 14.06.2021, are persons with
clean antecedent and charge-sheet has been submitted in the
case.

Learned counsel for the petitioners submits that the
informant alleges that on 10.06.2021, the petitioners along with



named accused persons assaulted the family members of the informant causing head and other injury and Yogendra Mistri died during the course of treatment at PMCH on 17.06.2021.

Learned counsel for the petitioners submits that the petitioners' and the informant's side are agnates, they are having land dispute, there is a case and counter case and as far as allegation of assault is concerned, the same is general and omnibus in nature i.e. no specific allegation of assault is alleged against any of the accused.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that allegation is that the petitioner along with other accused persons came to his house and assaulted the family members leading to death of Yogendra Mistri, it is submitted that death is certainty though the informant may not have alleged specifically that which of the accused hit the deceased killing him, it is thus submitted that the petitioner do not deserve privilege of bail as all of them have participated and committed the occurrence.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with liberty to the petitioner to renew his prayer for bail after framing of charge.



Accordingly, the present bail application is dismissed
as withdrawn.

(Satyavrat Verma, J)

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