

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60260 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- GANGTA District- Munger

1. GOPAL YADAV
2. Shashikant Yadav, both Sons of Vijay Yadav, Resident of Village - Dariyapur, P.S. - Gangto, Dist - Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Krishna Prasad Singh, Sr. Advocate Mr. Abhoy Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 12-04-2022 Heard learned Senior Counsel for the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioners seek bail in a case registered for the offences punishable under Sections 302, 341, 323, 324, 307, 504, 337 and 338/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioners submits that the petitioners are in custody since 13.04.2021, are persons with clean antecedent and charge-sheet has been submitted in this case.

The informant alleges that on 07.07.2020, he forbade the accused persons from flowing water from hand pump on



account of which a dispute arose and the petitioners assaulted Raj Kumar Yadav by means of rod as a result of which he fell down. Thereafter, the petitioners also assaulted Raj Kumar Yadav with Kudal (spade) on his head and when Pankaj Kumar came to save him then Dilkhush Kumar assaulted Raj Kumar Yadav with rod and Laxmi Kumari assaulted Raj Kumar Yadav with Kudal on his head due to which he fell down. Further, Raj Kumar Yadav died during the course of treatment.

Learned Senior Counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and the issue was a trivial one for which such occurrence could not have taken place. It is submitted that even presuming what has been alleged is true without admitting for the purposes of bail then the informant with certainty has not alleged that which of the petitioners assaulted the deceased leading to his death as it has been alleged that both the petitioners assaulted and the deceased fell down.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners and submits that there is specific allegation against the petitioners of assaulting Raj Kumar Yadav who died during course of treatment.

Considering the submissions made by the learned



A.P.P., the Court for the present is not inclined to grant bail to the petitioners in connection with Barauni Gangata P.S. Case No. 75 of 2020 pending in the Court of learned Chief Judicial Magistrate, 1st Class, Munger.

Accordingly, prayer for bail is rejected.

However, the petitioner will be at liberty to renew the prayer for bail after the informant is examined in this case.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

