

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63555 of 2021**

Arising Out of PS. Case No.-168 Year-2021 Thana- BELAGANJ District- Gaya

1. Kapil Yadav Son of Late Jaglal Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya.
2. Kamta Yadav Son of Bhuvneshwar Yadav @ Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya.
3. Binod Yadav Son of Bhuvneshwar Yadav @ Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya.
4. Dinesh Yadav Son of Bhuvneshwar Yadav @ Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya.
5. Sudhir Yadav Son of Bhuvneshwar Yadav @ Bhuneshwar Yadav Resident of Village- Panari, P.S.- Belaganj, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Nitya Nand Tiwary

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 15-06-2022 Heard learned counsel for the parties.

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

The petitioners seek anticipatory bail in connection with Belaganj P.S. Case No. 168 of 2021, registered for the offences under Sections 147, 149, 341, 323, 504, 302 of the Indian Penal Code.

The main submissions advanced by learned counsel for the petitioners are that in between petitioners and informant a land dispute was running at the time of commission of alleged



occurrence due to which the present case was falsely lodged against the petitioners who are family members and against them there is no specific allegation and 24 persons have been made accused in this case and any specific role of the petitioners has not been revealed in the FIR.

Learned counsel for the informant has vehemently opposed the prayer of bail and submitted that against two co-accused persons trial has commenced and two witnesses have been examined.

Heard both the sides and perused the FIR. The present case relates to murder allegedly committed by several persons and petitioners are named in the FIR though any specific role of the petitioners has not been revealed in the FIR but the investigation is still pending and admittedly the informant's father died during the course treatment. It is also admitted position that at the time of commission of the alleged murder there was not good relation in between petitioners and the deceased.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for bail stands rejected.

The petitioners are directed to surrender before the Court below within a period of twenty days from the date of this



order if they surrender within stipulated period then the Court below will decide their prayer for regular bail without being prejudiced with this order but keeping in view the fact that two co-accused persons who are facing trial are on bail as submitted.

(Shailendra Singh, J)

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