

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23606 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- RAJGIR District- Nalanda

Inderdeo Yadav Son Of Late Rameshwar Yadav @ Mutur Yadav Resident Of
Village- Chamardiha, Ps- Rajgir, Distt- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kameshwar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Rajgir P.S. Case No. 252 of 2022 instituted for the offence under Sections 147, 148, 149, 323, 325, 337, 3387, 341, 342, 504, 506, 304, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, on account of land dispute, the petitioner along with other co-accused persons assaulted the brother of the informant namely, Bablu Kumar by several means of weapons due to which he sustained injuries and died on way to hospital. During course of the incident, the petitioner is said to have assaulted on head of the informant's brother by means of lathi.



4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. The alleged occurrence took place in the background of land dispute between the parties due to which this petitioner has falsely been made accused in the present case. He has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, the the petitioner is languishing in judicial custody since 8.5.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who is specifically alleged to have assaulted on the head of the deceased/informant's brother by means of lathi. The postmortem report of the deceased supports the prosecution allegation in which, doctor opined cause of death is hemorrhage and shock due to head injury caused by hard & blunt substance. It is further submitted that the bail petition of other co-accused Mantu Yadav upon whom similar allegation has been made, was already rejected by a co-ordinate Bench of this court vide order dt. 21.7.2023 passed in Cr. Misc. No. 37148 of 2023. Moreover, witnesses of this case have also supported the prosecution version during course of investigation.

6. Having heard the learned counsel for the parties



and considering the fact that there is specific allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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