

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29993 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- KONCH District- Gaya

1. Akhilesh Kumar Son Of Surendra Yadav R/O-Tola-Rampur, P.S.-KONCH, Distt.-GAYA
2. Shailesh Kumar @ Shailesh Yadav Son Of Surendra Yadav R/O-Tola-Rampur, P.S.-KONCH, Distt.-GAYA
3. Ramsawroop Yadav @ Ramswaroop Yadav Son Of Late Tetar Yadav R/O-Tola-Rampur, P.S.-KONCH, Distt.-GAYA
4. Surendra Yadav Son Of Ramsawroop Yadav @ Ramswaroop Yadav R/O-Tola-Rampur, P.S.-KONCH, Distt.-GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31131 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- KONCH District- Gaya

Itendra Yadav Son Of Mohan Yadav R/O-Parsanwan Tola, Rampur, P.S.-KONCH, Distt.-GAYA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29993 of 2023)

For the Petitioner/s : Mr. Shailesh Kumar
For the State : Mr. Raj Kishor Singh
For the Informant : Mr. Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 31131 of 2023)

For the Petitioner/s : Mr. Binod Kumar
For the State : Mr. Nand Kumar
For the Informant : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-09-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of



parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 of the Indian Penal Code.

4. The allegation against the petitioners is that they along with other co-accused persons have formed an unlawful assembly and in prosecution of the common object of the same they have committed murder of the wife of the informant and also caused serious injury to his family members.

5. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. There is specific allegation against co-accused Mithilesh Kumar, who assaulted the wife of the informant. He further submits that there is no eye witness of the present case and the whole case is based on the concocted statement of the informant which could



not have been corroborated from the statement of the witnesses during the course of investigation. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State and learned counsel for the informant opposed prayer for anticipatory bail and submitted that the petitioners are involved in the present case. Hence, they do not deserve privilege of anticipatory bail.

7. Having regard to the facts and circumstances of the case, argument of the parties, perusal of the records and the fact that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Koch P.S. Case No.89 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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