

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32312 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. SAKUN YADAV @ SHAKUN YADAV Son of Late Lala Yadav Resident of village - Khurar, P.S.- Magadh Medical, District - Gaya
 2. Bholi Yadav Son of Late Lala Yadav Resident of Village - Khurar, P.S.- Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Manisha Prakash, Adv.
For the Opposite Party/s	:	Mr.Mritunjay Kumar Nirala, APP
For the Informant	:	Mr.Arvind Kumar Singh, adv.
		Mr.Mukul Jee, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Magadh Medical P.S. Case No.381/2022, registered for the offence punishable u/s 302/34 of the IPC.

3. As per the prosecution case, the petitioners killed the brother of the informant and before the occurrence they had threatened to kill the informant and his brother.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive and have no criminal antecedent. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is no eye-witness in the present case and only on suspicion and prior land dispute between the parties, the petitioners have been made accused in the present case. Some of the independent witnesses have not supported the prosecution case in para-62, 63 and 64 of the case diary. It is submitted that in the F.I.R., the informant has not mentioned that he has got knowledge about the occurrence from Munni Devi, who is the wife of the deceased and alleges to be the eye-witness in the present case.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that in para-19 of the case diary, the witness namely Munni Devi has stated that she is the eye-witness of the present case and she further stated that she informed the informant about the occurrence.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.



7. This application is accordingly dismissed.
8. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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