

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34432 of 2023

Arising Out of PS. Case No.-656 Year-2021 Thana- AKBARPUR District- Nawada

ARBIND KUMAR @ ARBIND YADAV Son of Rambalak Yadav Resident of
village - Nanhu Bigha, P.S.- Akbarpur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Akbarpur P.S. Case No. 656 of 2021 instituted for the
offence under Sections 341, 323, 325, 307, 302, 304 of the
Indian Penal Code.

3. As per allegation in the FIR, in the background of a
land dispute, the petitioner along with other co-accused persons
came at informant's house and started assaulting the informant
and his family members. During course of the incident, the
petitioner is said to have assaulted the father of the informant by
means of knife and co-accused Vikky kumar gave sword blow
in his abdomen. As a result of which, informant's father
sustained injuries and died. Brother of the informant Suraj



Kumar also sustained injury in the alleged occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. There is an admitted land dispute between the parties due to which the petitioner has falsely been implicated in this case. During investigation, some of the witnesses have not supported the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 29.11.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who is specifically alleged to have assaulted the father of the informant by means of knife due to which he sustained injuries and thereafter he died. According to the postmortem report of the deceased Balvir Prasad, penetrated wounds were found on chest & waist of the deceased caused by sharp cut weapon and cause of death is opined due to Haemorrhage & shock due to internal bleeding and lungs ruptured. It is further submitted that during investigation, several witnesses of the case have also supported the prosecution version.

6. Having heard the learned counsel for the parties



and considering the fact that the petitioner has specifically been alleged to assault the deceased, 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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