

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17852 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

ANGAD VISHWAKARMA S/of Awadh Kishor Vishwakarma @ Balister
Vishwakarma Resident of Village - Koreya, P.S. - Vijayipur, District -
Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35922 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Prem Kharwar Son Of Late Madan Kharwar R/O Village- Koreya, P.S.-
Vijaipur, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17852 of 2022)

For the Petitioner/s : Mr.Gautam Kumar Yadav

For the Opposite Party/s : Mr.Ajay Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 35922 of 2022)

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 01-02-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners seek regular bail in connection with
Vijayipur P.S. Case No. 265 of 2021 registered for the offence
under Sections 147, 148, 149, 341, 323, 324, 326, 307, 302 of
the Indian Penal Code.

As per prosecution case, the petitioners along with



other co-accused persons armed with weapons and forcibly cultivating the land of informant. On protest by informant, they were started assaulting to the informant's side due to which informant and others sustained injuries and petitioner Prem Kharwar inflicted knife blow on the chest of informant's nephew namely, Adarsh Pandey as a result of which he sustained injury thereafter he was taken to hospital where doctor declared him dead.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to prior dispute between the parties. Both the petitioners have got no criminal antecedent. Allegation against the petitioner Angad Yadav is of assaulting to injured Jagdamba Pandey by means of knife but doctor opined injury sustained by hard and blunt objects and only one injury was found by sharp cut injury which is opined as simple in nature. It is further submitted that specific allegation of inflicting knife blow on the chest of deceased is against petitioner, Prem Kharwar. Both the petitioners are languishing in judicial custody since 4.12.2021.

Learned APP appearing for the state and learned counsel for the informant has opposed the prayer of regular



bail and submitted that the specific allegation against the petitioner namely Prem Kharwar to inflict knife blow on the chest of the deceased Adarsh Pandey as a result of which he succumbed to injury. As per the Postmortem report, the cause of death of the deceased was opined by sharp cut weapon which corroborates the prosecution version. During investigation, witnesses have also supported the prosecution case.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner namely, Angad Vishwakarma on bail. The above named petitioner is directed to be released on bail in connection with Vijayipur P.S. Case No. 265 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M.,Gopalganj.

So far as petitioner Prem Kharwar is concerned, there is direct allegation of inflicting knife blow on the chest of the deceased, this Court is not inclined to enlarge this petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and



conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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