

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41455 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- GHOSI District- Jehanabad

1. Shish Yadav @ Shishya @ Ramasish Yadav Son Of Late Ram Prasad Yadav Resident Of Village - Chiri, P.S. - Ghosi, Distt. - Jehanabad
2. Shrikant Yadav Son Of Late Jatan Yadav Resident Of Village - Chiri, P.S. - Ghosi, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Sawarn

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-07-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

2.Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioners seek bail in connection with
Ghosi P.S. Case No. 126 of 2023 registered for the offence
under Sections 147, 148, 149, 341, 342, 323, 32, 504, 506, 302
and 120 B of the Indian Penal Code and Section 27 of the Arms
Act.

4. The petitioners are the assailants of the deceased.
All the accused persons have assaulted the deceased with *Lathi*,
Farsa etc. The *post-mortem* report supports the allegations



levelled against the petitioners.

5. It has been submitted by the learned counsel for the petitioners that the wife of the deceased initially supported the version of the prosecution but subsequently another statement was recorded under Section 161 of the Cr.P.C. in which she was resile from her earlier statement.

6. Learned counsel for the petitioners submitted that all the witnesses are also accused in other cases/case but they are not being arrested by the Police.

7. This Court does not understand as to why and how the Investigating Officer recorded the second statement of the wife of the deceased under Section 161 of the Cr.P.C. when the earlier statement was already recorded.

8. It seems that the I.O. is gained over by the accused persons.

9. Learned A.P.P. has vehemently opposed the prayer for bail.

10. The Superintend of Police, Jehanabad will look into the this and the issues raised by the petitioners. If the witnesses in present case are accused in other cases, they should be dealt in accordance with law and if they have not surrendered and taken bail in which they are accused, the Police will act



without taking side.

11. The Superintendent of Police, Jehanabad is directed to examine the records of the case and it will be advisable that he changes the I.O. of the present case.

12. With the aforesaid observation and direction, this application is dismissed.

13. Let a copy of this order be communicated to the Superintendent of Police, Jehanabad through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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