

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42853 of 2022

Arising Out of PS. Case No.-226 Year-2020 Thana- SINGHWARA District- Darbhanga

1. Rajaram Yadav Son of Baiju Yadav Resident of vill- Simri, P.S- Simri, Distt.- Darbhanga
2. Guru Sharan Yadav Son of Yugal Yadav Resident of vill- Bhagwati pur, P.S- Singhwara, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

Petitioners seek regular bail in connection with Singhwara
P.S. Case No. 226 of 2020 registered for the offences punishable
under Sections 302 and 120(B) of the Indian Penal Code.

As per the prosecution, the petitioners along with other
co-accused persons brutally assaulted the informant's brother
namely, Manoj Yadav as a result of which he died.

The main submissions advanced by Mr. Kedar Jha,
learned counsel for the petitioners are that both the petitioners
have been falsely implicated in this case due to land dispute
which was running in between both the parties when the alleged
occurrence is stated to have taken place and in between both the

parties a title suit is also running regarding the said dispute and on the body of the deceased only one injury being in the nature of 'haematoma' was found which falsifies the allegation made in the FIR as to assaulting the deceased by the petitioners by means of *iron punch*. Further submission is that the petitioners have been languishing in jail for the last ten months and at the place of occurrence as alleged in the FIR any sign of scuffling was not found.

Learned counsel for informant has vehemently opposed the bail prayer of both the petitioners and submitted that against the petitioners there is specific allegation in the FIR and on the person of the informant some injuries were also found and according to the FIR the informant intervened to save the victim when the alleged scuffling took place in between the victim and the accused persons including the petitioners and the injury on the person of the informant supports the allegation made in the FIR.

Having considered the seriousness of the occurrence which relates to murder and there is serious and direct allegation against both the petitioners and their specific role in the alleged offence in the opinion of this Court, both the petitioners do not deserve to the privilege of bail. Accordingly, their prayer stands

rejected.

The petitioners are given liberty to renew their bail prayer after six months, if any significant progress in their trial is not made by the prosecution, in the said period.

(Shailendra Singh, J)

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