

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57191 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- KADWA District- Katihar

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1. PRADIP YADAV S/O PRITHVI YADAV
 2. CHAMPA DEVI W/O PRADIP YADAV
- Both are Resident of village- Sagrath, Ward No-9, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 27-02-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302,34 of IPC.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 07.05.2022 but the present FIR has been instituted on 09.05.2022 after delay of two days without giving any explanation of delay. Further submits that it appears from the FIR that there is general and omnibus allegation against all the



accused persons including both the petitioners is that they have assaulted the husband of the informant. Hence, no case is made out against both the petitioners under Section 302 of IPC.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners have assaulted the deceased and the postmortem report also supports the allegation as alleged in the FIR.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Kadwa P.S.Case No.138 of 2022 (S.Tr.No.463 of 2022) pending in the court of learned Sessions Judge, Katihar.

Prayer is refused.

(Rajesh Kumar Verma, J)

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