

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62709 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Ramashish Yadav Son Of Devaki Yadav Resident Of Village -SAFIPUR, Ps-Khizarsarais, Distt- Gaya
2. Mithlesh Yadav Son Of Devaki Yadav Resident Of Village -safipur, Ps-Khizarsarais, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 147, 341, 323, 307, 307, 302, 379 of the Indian Penal Code.

The prosecution case as per F.I.R is that the petitioners along with other accused persons have conspired and in pursuance to said criminal conspiracy, the accused persons have murdered the mother of the informant. It is specifically alleged that on the order of



petitioner No. 2 namely Mithilesh Yadav, petitioner No. 1 namely Ramashish Yadav and co-accused Pawan Kumar assaulted with iron rod to the mother of the informant on her head, as a result of which, she sustained head injuries and died during treatment.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is land dispute between the parties. The petitioner No. 2 is only the order giver and the allegation of assaulting on the head of the deceased with iron rod is against petitioner No. 1 and co-accused Pawan Kumar. The petitioners are languishing in custody since 15.09.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that on the order of petitioner No. 2, petitioner No. 1 and co-accused Pawan



Kumar assaulted the mother of the informant with iron rod on her head, as a result of which, she sustained head injuries and died during treatment.

Considering the fact that petitioner No. 2 is only the order giver and the period under custody, let the petitioner No. 2, namely Mithlesh Yadav, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Gaya in connection with Khizarsarai P.S. Case No. 228 of 2022.

So far as petitioner No. 1 namely Ramashish Yadav is concerned, since there is specific allegation against petitioner No. 1 that he assaulted with iron rod to the mother of the informant, resulting into her death, this Court is not inclined to grant the privilege of bail to the petitioner No. 1.

The prayer for grant of bail to the petitioner No. 1 namely Ramashish Yadav stands rejected.



The Trial Court is directed to expedite the trial
and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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