

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6109 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

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Birbal Yadav S/O Bhikhari Yadav, R/O- Mathiya Lala, Ps- Vijaipur, Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2024 Heard Mr. Deepankar Raj, the learned counsel for the petitioner and Mr. Jagdhar Prasad, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 27.06.2023 in connection with Vijayepur P.S. Case No. 167 of 2023, FIR dated 26.06.2023, registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 324, 325, 341, 427 and 120(B) of the Indian Penal Code.

3. According to the prosecution case, five accused persons including the petitioner and ten to twelve unknown persons with an intention to kill started beating the informant's brother. It is further alleged that Amrandra Yadav hit informant's brother several times and the petitioner stabbed his brother with a spear due to which he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR, the petitioner assaulted with spear to the informant's brother and other persons have also assaulted to the informant's brother with other weapons and he died. He further submits that some of the co-accused persons have been granted regular bail by different Benches of this Court.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted with spear to the informant's brother and as per *post-mortem* report, the cause death is "*haemorrhage and shock due to above mentioned injury caused by sharp cutting object*", the allegation as in the FIR is supported by medical evidence.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner, I am **not** inclined to enlarge the petitioner on bail in connection with Vijayepur

P.S. Case No. 167 of 2023, pending in the Court of learned
Additional Chief Judicial Magistrate-XIV, Gopalganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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