

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18562 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- DHANAHA District- West Champaran

Hira Yadav @ Heera Yadav Son Of Late Ramdhari Yadav Village- Musahari
Baira Bazar PS- Dhanaha Dist -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 25786 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- DHANAHA District- West Champaran

Kamal Yadav @ Kamla Yadav Son of Late Ramdhari Yadav Resident of
Village- Musahari Baira Bazar, Police Station- Dhanaha, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 18562 of 2024)
For the Petitioner/s : Mr.Pruna Anand, Advocate
For the Opposite Party/s : Mr.Pushpa Sinha.1, APP
(In CRIMINAL MISCELLANEOUS No. 25786 of 2024)
For the Petitioner/s : Mr.Pruna Anand, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioners, learned APP
for the State and perused the case diary.

2. The petitioners seek bail in connection with
Dhanaha P.S. case No. 111 of 2023 instituted for the offences
under Sections 302, 34 of the Indian Penal Code.



3. Prosecution story, in short, is that, on the alleged date and time of occurrence, some miscreants cut the belly of the father and the mother of the informant using sharp edged weapon.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Petitioners are not named in the F.I.R. The names of the petitioners transpired in this case on the basis of confessional statement of the co-accused Amal Yadav. There is no eye-witness to the alleged occurrence. He further submitted that there is no any recovery of incriminating article/weapon from the conscious possession of the petitioner. He further submitted that except the confessional statement of the co-accused, there is no material against the petitioners. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioners that the petitioners are in custody since 25.09.2023. Petitioner namely, Hira Yadav has three criminal antecedents whereas petitioner namely, Kamal Yadav has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners and submitted that it is specifically mentioned in para-60 of the case



diary that co-accused Amal Yadav has confessed that he along with other accused persons including these petitioners has committed the offence. He further submitted that in the post mortem report, the cause of death is due to excessive blood loss due to cutting by sharp and blunt object (para-107 and 108 of the case diary) and, therefore, the confessional statement of the co-accused Amal Yadav stands verified. He further submitted that taking into account the aforesaid submissions and heinous nature of offence, the petitioners may not be released on bail.

6. Having considered the submissions canvassed by the learned counsel for the parties, material available on record and nature and gravity of offence, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, prayer for grant of bail to both the petitioners is, hereby, rejected.

8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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