

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24621 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- GOPALPUR District- Bhagalpur

Amarjit Kumar @ Amarjeet Yadav S/O Gautam Kumar Yadav R/ Village-
Tintenga, Kararai, P.S- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20937 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- GOPALPUR District- Bhagalpur

Kavita Devi @ Kawita Devi W/o Gautam Yadav @ Gautam Kumar Yadav
R/o vill - Tintanga Karari, P.S. - Gopalpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24946 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- GOPALPUR District- Bhagalpur

Brahamdev Yadav @ Brahamdeo Yadav Son of Late Ramjot Yadav @
Ramdev Yadav Resident of Village- Tintenga Karari, P.S.- Gopalpur, Dist.-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24621 of 2024)

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 20937 of 2024)

For the Petitioner/s : Mr.Ashok Yadav

For the Opposite Party/s : Mr.Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 24946 of 2024)

For the Petitioner/s : Mr.Ashok Yadav

For the Opposite Party/s : Mr.Navin Kumar Pandey



CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 13-05-2024

In Cr. Misc. No. 24621 of 2024

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 549 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code later on Section 302 of the IPC has been added.

3. The allegation against the petitioner along with others is of assaulting the informant and his family members due to which they sustained injury. It is further alleged that later on, due to assault the brother of the informant succumbed to injury.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is the nephew of the informant. There is a case and counter case between the parties and members of both parties have sustained injuries as alleged in a separate occurrence. The petitioner is in custody since 11.11.2023 and has one criminal antecedent.

5. Learned APP for the State has vehemently opposed



the prayer for grant of bail to the petitioner and submitted that petitioner is named in the FIR. He submitted that there is specific allegation of assaulting by means of axe upon the informant's brother is against the petitioner due to which during treatment he succumbed to injury. As per postmortem report, the doctor opined that the cause of death was haemorrhage as a result of assault injuries, which corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

In Cr. Misc. Nos. 20937 of 2024 and 24946 of 2024

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Gopalpur P.S. Case No. 549 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the



Indian Penal Code later on Section 302 of the IPC has been added.

3. The allegation against the petitioners along with others is of assaulting the informant and his family members due to which they sustained injury. It is further alleged that later on, due to assault the brother of the informant succumbed to injury.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case due to land dispute. The petitioner namely, Kavita Devi @ Kawita Devi is not named in the FIR and during investigation her name transpired in this case. There is general and omnibus allegation against these petitioners and no specific allegation against them. There is a case and counter case between both the parties. Members of both parties have sustained injury as alleged in a separate occurrence. Charge-sheet has been submitted in this case. The petitioners are in custody for about five months and have no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the



petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 549 of 2023.

(Rudra Prakash Mishra, J)

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