

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27561 of 2024**

Arising Out of PS. Case No.-83 Year-2023 Thana- LAUKAHA District- Madhubani

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Pankaj Yadav @ Pankaj Kumar Yadav S/O- Vimal Yadav Vill-Sahorwa,  
Police Station-Laukaha, Dist-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

Mr. Bimal Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      21-09-2024                      1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120(B), 504 of the Indian Penal Code in connection with Laukaha P.S. Case No.83 of 2023.
3. The learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that Raushan and Rupesh were fighting on account of dispute relating to land, thereafter, Pankaj, Bhageshwar, Bibhesh, Bimal, Ritesh, Bansilal, Amar and Sajjan came variously armed and started assaulting Raushan, causing injury on his head,



further informant and his family members along with neighbours tried to save Raushan, when accused persons assaulted the informant, his son Laxmi causing injury on their head and also assaulted Anand, the neighbour, further the named accused persons including the petitioner assaulted his other son Prabhash causing injury on his head, further when Arvind, Bijali Devi, Ram Prasad and Ravindra came to save Prabhash the accused persons assaulted them even and Ravindra was assaulted by farsa by Rupesh, Neeraj and Pankaj causing injury on head, further Bijli and Ram Prasad also suffered injuries, next alleges that on account of assault his son Prabhash and Bijli Devi died during the course of treatment and Rabindra was referred to Darbhanga for further treatment. The learned counsel submits that even Rabindra died during the course of treatment.

4. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that Raushan and Rupesh were fighting on account of dispute relating to land and thereafter named accused persons came and started assaulting Raushan, on which the informant and Anand intervened to save Raushan, it is next submitted that petitioner is alleged to have assaulted Prabhash along with other named accused persons, but then the allegation of assault is not



specific. It is also submitted that as far as allegation of assaulting Bijli and Ram Prasad is alleged the same is also not specific against any of the accused persons, rather the allegation of assault is general and omnibus in nature, but then it is fairly submitted that specific allegation of assaulting Rabindra is against Rupesh, Neeraj and Pankaj. It is next submitted that Rabindra suffered three injuries.

5. The learned counsel for the petitioner next submits that though Rabindra is alleged to have been assaulted by Pankaj, but then Rupesh and Neeraj are also alleged to have assaulted. It is further submitted that during the course of investigation in the CCTV. footage it was found that petitioner was also present at the occurrence but with a hockey stick, but then there is no allegation in the FIR that hockey stick was used in the occurrence, as such it might be a possibility that petitioner was merely present at the place of occurrence. It is also submitted that petitioner instituted Laukaha P.S. Case No.84 of 2023 against the informant and his family members alleging that they assaulted and killed his nephew Nawal. It is thus submitted that in the occurrence altogether four persons were killed. It is also submitted that since nephew of the present petitioner died on account of assault made by the informant and his side as such



petitioner also has been implicated in the instant case with general and omnibus allegation of assault. The learned counsel further clarifies that though petitioner is alleged to have assaulted Rabindra along with Neeraj and Rupesh, but then the said allegation cannot be construed that specific allegation is alleged against the petitioner of assaulting Rabindra. It is further submitted that as far as Amar is concerned there is no specific allegation against him.

6. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that it is true that from side of the petitioner Laukaha P.S. Case No.84 of 2023 was instituted in which nephew of the petitioner died, but then that does not absolved the petitioner of the charge of assaulting the side of the informant in which three persons were killed. It is next submitted that till date charges have not been framed, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that there is no specific allegation of assault against Amar and the petitioner is not alleged to have assaulted specifically any of the deceased, rather is alleged to have assaulted along with other co-accused.

7. Considering the submissions made by the learned



counsel appearing on behalf of the informant, the Court for the present is not inclined to release the petitioner on bail, however, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

Prakash Narayan

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