

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30743 of 2024

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

Gautam Kumar Yadav @ Gautam Yadav Son of Brahamdev Yadav Resident
of Village- Tintenga Karari, P.S.- Gopalpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Adv.

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

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

ORAL ORDER

2 24-04-2024 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
under Sections 341, 323, 307, 504, 506/34 of the Indian Penal
Code and later on added Section 302 of the Indian Penal Code.

3. The allegation against the petitioner is of
assaulting the Informant's father, son and nephew by means of
deadly weapons while he was ploughing his field due to which
all the victims sustained serious bleeding injuries. It is further
alleged that that the victim/wife of the Informant succumbed to
injuries due to assault made by the petitioner with axe.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties. The petitioner is the uncle of the Informant and there is a land dispute between the parties. He further submits that from perusal of the injury report of the Informant's wife, it appears that the injury nos. 1 & 2 are simple in nature and the opinion for injury no.3 is reserved. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. The petitioner has three criminal antecedents but, in all of them, he is on bail as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 11.11.2023 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the the petitioner is named accused in the F.I.R. and the victim succumbed to injuries due to assault made by the petitioner with axe. As per statement of the victim herself, the petitioner has assaulted the deceased. The allegation made against the petitioner is serious in nature and, thus, he does not deserve bail.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account there being direct allegation of assault against the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner, above named, is hereby rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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