

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31919 of 2024

Arising Out of PS. Case No.-495 Year-2023 Thana- GHOSI District- Jehanabad

1.

Haricharan Yadav Son of Nanhak Yadav Resident of village - Lakhawar, P.S.- Ghosi, Distt- Jehanabad.
2.

Awadhesh Yadav @ Bindi Yadav, Son of Haricharan Yadav Resident of Village - Lakhawar, P.S.- Ghosi, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jogendra Kumar
For the Opposite Party/s	:	Mr. Nawal Kishore
For the Informant	:	Mr. Amrendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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21-09-2024

1.

Heard learned Counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Ghosi Police Station Case No. 495 of 2023, dated 26.07.2023, disclosing offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3.

The prosecution case, as per the First Information Report, is that on 25.07.2023, at about 05:30 PM, the son of the informant (now deceased) was called by the co-accused Nitish Kumar and both went to an orchard in the village and when the younger son of the informant went to call the deceased, the petitioner no. 2 and co-accused Mohi Yadav caught the hands of the deceased and started



assaulting him. It has been alleged that the petitioner no. 1 assaulted the deceased by means of iron rod and at the instance of the petitioner no. 2, co-accused Rakesh Kumar fired upon the deceased. After which the younger son of the informant fled towards village and narrated the entire occurrence to his mother. The deceased was carried to the hospital but he was declared dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed any offence in the manner alleged. He next submits that petitioners and informant are agnates and there is long standing dispute standing between the parties regarding piece of land. The incident has taken place by accident while making reels in the orchard.
5. Learned Additional Public Prosecutor opposed the prayer for bail and submits that co-accused Rakesh Kumar, who fired upon the deceased, has confessed his guilt before the police.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the seriousness of the offence and the fact that the petitioners have actively participated in the murder of the deceased, I am not



inclined to grant the petitioners privilege of anticipatory
bail.

7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J)

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