

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32629 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- HUSSAINGANJ District- Siwan

Biresh Yadav @ Biresh Kumar Yadav Son Of Shiv Bacchan Yadav @ Shiv
Bachan Chaudhary Resident Of Village - Sidhwal, P.S. - Hussainganj, District
- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Advocate
For the Informant	:	Ms. Kumari Anupam, Advocate
For the State	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 26-07-2024 1. Heard learned counsel for the petitioner, learned
counsel counsel for the informant and learned APP for the State.
2. Petitioner seeks regular bail in connection with
Hussainganj P.S. Case No. 252 of 2023, dated 08.10.2023,
registered for the offence(s) punishable under Section(s) 341,
307, 447, 302, 504, 34 of the Indian Penal Code.
3. As per prosecution, Arjun Kumar Yadav
(informant) stated that on 07.10.2023 at about 7:00 P.M., when
he was talking to his family at the door of his house the accused
persons namely, Mohit Kumar, Abhishek Kumar Rajiv Kumar,
Biresh Yadav (petitioner) and Arun Kumar Yadav came with
weapons and asked the informant's father (deceased) to
withdraw the murder case of Hathua and on refusal to do so, the



petitioner and Arun Yadav ordered the other accused to attack the deceased then the accused Mohit Kumar and Rajiv Kumar assaulted the deceased with an iron angle due to which the deceased sustained injury and fell to the ground. On witnessing this, the informant's grand-father came forward to rescue his son, thereafter he was also assaulted by the accused Abhishek Kumar and Arun Kumar. During the course of treatment, the informant's father succumbed to his injuries.

4. Mr. Bijay Prakash Singh, learned counsel appearing for the petitioner submits that both the parties are agnates and in between them a land dispute was running at the time of alleged occurrence, as per FIR, the petitioner is simply alleged to have ordered the other accused, except this there is no other allegation against him. The petitioner has been falsely implicated due to ulterior motive and land dispute and has been languishing in jail since 16.02.2024.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the FIR itself clearly shows that the informant's brother had been murdered prior to the commission of the alleged occurrence of the instant matter and in that murder the petitioner was one of the accused and the same was a strong



motive on the part of the petitioner and others to commit the alleged occurrence. It is further submitted that the informant is an eye-witness who specifically revealed the role of the petitioner in the commission of the alleged occurrence.

6. Having considered the seriousness of the allegation appearing against the petitioner from the FIR and mainly the fact that prior to commission of the alleged occurrence of the instant matter the informant's brother had been murdered in which the petitioner was one of the accused, as reflects from the FIR and the same has not been refuted by the learned counsel for the petitioner and the case diary shows that the investigation is still pending in respect of other co-accused persons, in my opinion, the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

7. Petitioner may renew his bail prayer after framing of charge upon him.

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

