

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36478 of 2024

Arising Out of PS. Case No.-547 Year-2023 Thana- KOTWALI District- Munger

Vikram Yadav Son of Kailu Yadav Resident of Mohalla- Lal Darwaza,
Kambal Baba Road, P.S -Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anurag Saurav, Advocate
For the Opposite Party/s	:	Mr.Aditya Narayan Singh.1, APP
For the Informant.	:	Mr.Surya Narayan Shah, Advocate

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

ORAL ORDER

3 20-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 547 of 2023 instituted for the offences under
Sections 147, 148, 149, 323, 341, 326, 307, 504, 506 of the
Indian Penal Code and subsequently, Section 302 of the IPC was
added.

3. Prosecution case, in short, is that on the alleged date
and time, informant received the information that all the FIR
named accused persons including 20-25 unknown persons were
assaulting the father of the informant near Shiwala Dharamshala
Gate. He immediately arrived there to rescue his father and



found co-accused Subodh Yadav was assaulting his father with butt of pistol, Subhash Yadav assaulted his father with Kudal on his head as a result he fell on ground. When the informant tried to lift his father, co-accused Kailu Yadav, Aman and Anshu assaulted the father of the informant with lathi-danda due to which he sustained injuries and later on died.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. Learned counsel for the petitioner further submitted that name of the petitioner has transpired during course of investigation. Learned counsel for Learned counsel further submitted that no any specific overt act is alleged against the petitioner rather the specific accusation of assaulted the deceased is attributed to Subhash Yadav. Learned counsel further submitted that there is land dispute between the parties. Learned counsel further submitted that there is no eye-witness to the occurrence except the informant. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.01.2024 and has one criminal antecedent.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel



appearing on behalf of the informant submitted that in paragraph no. 22, the wife of the informant specifically submitted that this petitioner gave repeated blow of spade on the head of deceased. Learned counsel for the State and learned counsel for the State jointly submitted that as per the post-mortem report, multiple injuries are found on the temporal region of the deceased and therefore, urged that considering the active participation of the petitioner in heinous nature of offence, petitioner may not be released on bail.

6. Having considered the rival submissions of both the parties and the material available on record and taking into account the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer is rejected.

(Rudra Prakash Mishra, J)

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