

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48376 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- KURTHA District- Jehanabad

1. Dipu Kumar son of Devendra Yadav Village- Pirhi Ps- Kurtha Dist- Arwal
2. Surendra Yadav son of Late Kaiyal Yadav Village- Pirhi Ps- Kurtha Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar , Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2024 Heard learned counsel for the petitioners and the State .

2. Petitioners seek regular bail in a case registered for the offence punishable under sections 147, 149 341 and 302 of the Indian Penal Code .

3 . As per the prosecution case, on 16-04-2024 at about 10-11 p.m., when informant along with his uncle Jairam Sharma, was going to the grain yard of his field, in the mean time, these petitioners along with other co-accused persons and 10 other miscreants, armed with lathi, danda , khanti, rod, and



spade, attacked upon them, as a result of which both the victims became unconscious. The injured were brought to the Primary Health Centre, Kurtha, from where they were referred to Sadar Hospital, Arwal, and during the course of treatment, both of them died.

4. Learned counsel appearing for the petitioners submits that petitioners are innocent and have committed no offence as alleged. As a matter of fact, informant and his uncle Jairam Sharma have committed murder of son of petitioner No. 1 and mob comprised of local people attacked upon them after seeing the dead body son of petitioner No. 1 . So far as these petitioners are concerned, there is no specific overt act alleged against them. Petitioners claim clean antecedent. They are in custody since 19.04.2024 .

5 . Learned counsel for the state opposes the prayer for bail and submits that these petitioners are named in the FIR with specific allegation that they along with other co-accused persons have actively participated in the alleged occurrence and committed murder of the deceased. It further submitted that one witness Sandeep Kumar in paragraph - 06 of the case diary has supported the prosecution case . The postmortem report reveals that the cause of death is a contusion of the brain,



ultimately leading to cardiorespiratory arrest.

6. Considering the nature and gravity of allegation,
prayer for bail of these petitioners is rejected.

(Prabhat Kumar Singh, J)

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