

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48476 of 2024**

Arising Out of PS. Case No.-4 Year-2024 Thana- Anandpur District- Banka

1. Brahmdeo Yadav S/o Hari Yadav R/o vill - Lilabaran, P.S. - Anandpur, Distt. - Banka
2. Sikandar Yadav @ Sikandev Yadav S/o Hari Yadav R/o vill - Lilabaran, P.S. - Anandpur, Distt. - Banka
3. Hari Yadav S/o Late Vishwanath Yadav R/o vill - Lilabaran, P.S. - Anandpur, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Md. Nurul Hoda, Advocate       |
| For the Opposite Party/s | : | Mr. Anish Chandra, APP             |
| For the Informant        | : | Mr. Diwakar Prasad Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      18-09-2024                      Heard the learned Advocate for the petitioners, learned Advocate for the informant and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Anandpur P.S. Case No. 04 of 2024, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on 08.04.2024 at about 09:00 P.M., her son *Ajay Kumar Yadav* received a call on his mobile whereupon he told her that *Bharmdeo Yadav* is calling him and went outside by



saying that he is coming. Thereupon, her son did not return. In the morning, when the villagers disclosed that the dead body of a person is lying in an orchard. The informant rushed there and identified the dead body of her son, who was done to death by means of axe and his dead body was thrown near the Librarian Primary School.

4. Learned Advocate for the petitioners contended that the informant is not an eyewitness to the alleged occurrence and only on account of the fact that in the fateful night, at about 09:00 clock, the son of the informant received a telephonic call from the mobile of petitioner no. 1, their names have been implicated only on suspicion. Save and except suspicion, there is no other material. It is also contended that it is not a case that the deceased was lastly seen with the petitioners. However, only taking note of the statement of the daughter of the petitioner no. 3, the name of all the petitioners have been implicated in this case. Moreover, the petitioners are rotting in judicial custody since 10.04.2024, and now the investigation is complete.

5. On the other hand, learned APP for the State as well as the informant vehemently opposed the bail application and submits that the statement of the daughter of the petitioner no. 3 was recorded by the police and she has categorically stated that



she was in love with the deceased, which was being opposed by the petitioners and on the fateful day, while they were sitting near the bush, all the petitioners surrounded them and brutally assaulted the deceased, due to which he succumbed to the injuries.

6. Adverting to the statement of the daughter of the petitioner no. 3, learned Advocate for the opposite party thus submits that she being an eyewitness to the alleged occurrence had no reason or occasion to implicate her own father and brothers.

7. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation and the clinching statement of the daughter of the petitioner no. 3 before the police, this Court is not persuaded to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners stand rejected.

8. It is expected that the learned jurisdictional Court shall expedite the matter.

**(Harish Kumar, J)**

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