

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51140 of 2024

Arising Out of PS. Case No.-510 Year-2022 Thana- KONCH District- Gaya

Subodh Yadav @ Sibodh Yadav @ Subodh Kumar Son of Birendra Yadav
R/O Vill.- Karma, P.S.- Konch, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sharma, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Konch P.S. Case No. 510 of 2022 registered for the offences punishable under Sections 147, 148, 149, 307, 354, 379, 504 & 506 of the Indian Penal Code. Later on Section 302 of the IPC was added.

3. As per the prosecution case, this petitioner along with other co-accused persons armed with *lathi*, *danda* and iron rod abused and assaulted the informant and his father on which they sustained injury of their heads. Thereafter, during course of treatment father of the informant succumbed to injury.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioner, rather there is general and omnibus allegation levelled against the petitioner. It is next submitted that there is case and counter case between the parties. He goes on to submit that no incriminating article has been recovered from the conscious possession of the petitioner. There is case and counter case between the parties. It is next submitted that co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27-02-2024, passed in Cr. Misc. No. 70014 of 2023.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that father of the informant died during course of treatment.

6. Considering the rival submissions made by the learned counsel for the parties and taking into account the nature of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, prayer for grant of anticipatory bail to the petitioner is *rejected*.



8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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