

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50599 of 2024

Arising Out of PS. Case No.-278 Year-2022 Thana- NARPATGANJ District- Araria

1. Dashrath Yadav Son of Anmol Yadav R/O Vill.- Bibiganj Ward no. 08, P.s.- Narpatganj, Dist.- Araria.
2. Prabhash Kumar Diwakar @ Guddu @ Guddu Kumar Son of Dashrath Yadav R/O Vill.- Bibiganj Ward no. 08, P.s.- Narpatganj, Dist.- Araria.
3. Digambar Kumar Yadav @ Sonu @ Sonu Kumar Yadav Son of Dashrath Yadav R/O Vill.- Bibiganj Ward no. 08, P.s.- Narpatganj, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-09-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Narpatganj P.S. Case No. 278 of 2022 dated 16.06.2022 registered for the offence(s) punishable under section(s) 302, 120B read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. Mr. Madhav Jha, learned counsel for the petitioners submits that though the petitioners are named in the F.I.R. but during investigation no incriminating material or evidence was found by the I.O. showing petitioners' involvement in the alleged crime, so in the result, the petitioners were not sent up



by the police for trial and the alleged occurrence is said to have been committed at the marriage function of the informant's daughter and the petitioners are not alleged to have opened fire. Learned counsel further submits that there is no criminal antecedents against the petitioners and during investigation, video footage of the marriage function was scanned but no appearance of the petitioners as being assailants was found and considering this aspect the petitioners were not sent up.

4. Mr. Md. Shakir Ahmad, learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the seriousness of the allegation which relates to the offences of murder and attempt to murder and at the time of occurrence as per allegation, the accused persons fired indiscriminately in the marriage function of the informant's daughter resulting into the death of informant's wife and injuries to several others and as per the F.I.R., the petitioners are alleged to be present along with the co-accused persons and during investigation, some material witnesses have supported the said allegation, in my opinion, the petitioners do not deserve to the privilege of anticipatory bail. Accordingly, their prayer stands rejected.

6. However, considering the completion of



investigation against the petitioners and the defenses taken by the petitioners as well as their role in the commission of the alleged occurrence, they are given a liberty to surrender before the trial court within three weeks from today and if the petitioners avail this liberty then the trial court shall decide the regular bail prayer of the petitioners without being prejudiced with this rejection order keeping in view the petitioners’ above mentioned defenses.

(Shailendra Singh, J)

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