

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58474 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- MANJHI District- Saran

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1. Pankaj Kumar Yadav @ Pankaj Yadav Son Of Sudarshan Yadav Resident Of Village - Sabadara, P.S. - Manjhi, District - Saran At Chapra
 2. Rohit Kumar Yadav @ Rohit Yadav Son Of Sudarshan Yadav Resident Of Village - Sabadara, P.S. - Manjhi, District - Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Manjhi P.S. Case No. 205 of 2023, registered for the offences punishable under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

3. According to prosecution case, on 23.06.2023 at about 12:00 pm, informant was operating his mobile phone sitting in the orchard situated in front of his house, in the meantime all the FIR named accused persons including these petitioners came there and demanded mobile phone from informant. When informant refused to provide his mobile, then



all the accused persons assaulted on head of informant and when his father came to rescue, the accused persons also assaulted on head of informant's father with iron rod and stick, as a result of which, he sustained grievous injury. On 28.06.2023, informant's father died during course of treatment.

4. Learned counsel for the petitioners submits that due to previous land dispute between the parties, a free-fight took place, in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. No specific allegation against the petitioners. From perusal of postmortem report, it would be evident that the injuries found on the person of deceased do not corroborate with the allegation as alleged in FIR. Petitioners have got no criminal antecedent.

5. Learned A.P.P. appearing on behalf of the State opposed the prayer for bail of the petitioner and submits that there is specific accusation against these petitioners that they along with other accused persons assaulted informant and his father as a result of which, father of informant sustained grievous injury, and during course of treatment, he died. He further submits that during course of trial four witnesses have already been examined, and only two witnesses i.e., the doctor and I.O. are left to be examined.



6. Having considered the accusation and progress of trial,
prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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