

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58961 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- MANSI District- Khagaria

Bal Kishor Yadav S/O Late Saho Yadav R/O Village- Matihani, P.S- Mansi,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the state/s	:	Mr. Ram Sumiran Rai, APP
For the informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner; learned
counsel for the informant as well as learned APP for the State.

2. The petitioner apprehends arrest in connection
with Mansi P.S. Case No. 119 of 2024 dated 04.05.2024,
instituted for the offence punishable under Sections 341, 323,
354, 307, 379, 504/34 and 302 of the Indian Penal Code.

3. The prosecution case, in short, is that on
03.05.2024 at about 05:00 am, a sand loaded tractor came near
his house and the accused persons including the petitioner
surrounded the informant's father; abused and brutally assaulted
him with lathi and danda. Informant's father sustained head
injury and fell on the ground. When the mother of the informant
went to save him, then she was assaulted by Bhim Yadav with



lathi and danda. The father of the informant died during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is a case and counter case between the parties. The wife of the petitioner has filed Mansi P.S. Case No. 120 of 2024 under Sections 341, 323, 308, 379, 385, 504, 506/34 of the I.P.C. against the informant side. It is next submitted that no substantive evidence has come against the petitioner during the course of investigation. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that on 27.07.2024, the processes under Section 82 and 83 Cr.P.C. have been issued against the accused person, which is the part of case diary and as such, the present anticipatory bail application is not maintainable.

6. In view of the fact that the processes under Section 82 and 83 Cr.P.C. have already been issued against the petitioner, the present anticipatory bail application is not maintainable.



7. Accordingly, this anticipatory bail application is
dismissed as not maintainable.

(Khatim Reza, J)

Sankalp/-

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