

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73751 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Bidesh Yadav @ Bideshi Yadav Son of Gandhi Yadav Resident of Village - Rampur Madho, Purv Tola, P.S. - Kuchaikote, District - Gopalganj
2. Birbal Yadav Son of Gandhi Yadav Resident of Village - Rampur Madho, Purv Tola, P.S. - Kuchaikote, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kuchaikote P.S. Case No. 233 of 2024 dated 29.05.2024 registered for the offences punishable u/ss 341, 323, 325, 307 read with Section 34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

3. As per the prosecution case, on 26.05.2024 at 8 A.M., the informant's father was leveling soil at his door, in the meantime, the petitioners and the co-accused persons started abusing him and said that they are co-sharer in the land. The informant's father replied that he has got the land registered in his name upon which the accused persons started assaulting him. They



dragged the father of the informant forcibly to Brahmasthan and dashed the head of the informant's father to chabutara. The informant's father became unconscious. The informant's wife called him and gave information about the incident. The informant came and took his father to the hospital for treatment.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 26.05.2024 but the F.I.R. was lodged on 29.05.2024 and there is no explanation for this delay. There is a land dispute between the parties. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the specific allegation against the petitioners that they dragged the informant's father and dashed his head to chabutara due to which he succumbed to the injuries. As per the post-mortem report of the deceased, cause of death is haemorrhage and shock due to injury caused by impact of hard and blunt substance.

7. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the petitioners, I am of the view that no case for grant of anticipatory



bail is made out. The petition is rejected and the petitioners are directed to surrender before the Court below concerned within six weeks from the date of this order and pray for regular bail, the learned Court below shall consider their prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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