

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80594 of 2023**

Arising Out of PS. Case No.-317 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. BRIJESH KUMAR @ BRAJESH KUMAR @ BRAJESH YADAV SON OF BIRJU YADAV RESIDENT OF VILLAGE - SIHULI CHANDAUL, P.S. - RAFIGANJ, DISTRICT - AURANGABAD
2. SHANKAR KUMAR SON OF BIRJU YADAV RESIDENT OF VILLAGE - SIHULI CHANDAUL, P.S. - RAFIGANJ, DISTRICT - AURANGABAD. AT PRESENT RESIDES AT SHRIRAM NAGAR, PANDESARA, SURAT, P.S. - SURAT, DISTRICT - SURAT (GUJRAT)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| For the Petitioner/s       | : | Mr. Arvind Kumar Singh, Advocate |
|                            |   | Mr. Mukul Jee, Advocate          |
| For the Opposite Party/s : |   | Mr. Umeshanand Pandit , APP      |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      05-03-2024                      Heard learned counsel for the petitioners and the State.

2. Petitioners apprehends arrest in a case registered for the offence punishable under sections 341, 323, 324, 307, 302/34 of the Indian Penal Code .

3. As per the prosecution case, there is land dispute between the informant and petitioners, on



account of which all the FIR named accused persons including these petitioners assaulted the husband of the informant as a result of which he sustained severe injury . It is further alleged that accused persons also assaulted the *devar* of the informant.

4. It is submitted on behalf of these petitioners that both the parties are *gotias* and petitioners have falsely been implicated in this case due to pending land dispute between them. Allegation of assault is general and omnibus against these petitioners. Petitioners claim clean antecedent.

5. Learned counsel for the state opposes the prayer for bail and submits that these petitioners are named in the First Information Report. It is further submitted that the informant in her re-statement in paragraph 15 and the witnesses in their statements at pages 10, 11, 12, and 13 of the case diary have supported the case of the prosecution and stated that petitioners, in association with other FIR-named accused persons has brutally assaulted the husband of the informant by



means of knife and *khanti*, as a result of which he sustained severe injury due to which he died. It is further submitted that the postmortem report of the deceased shows a stab wound on the lateral surface of the abdomen, and the cause of death has been opined by the doctor as hemorrhage, coma, and shock due to injuries caused by a sharp pointed weapon . Moreover, the allegation against these petitioners is very serious in nature, and the present bail application is fit to be dismissed.

6. Considering the nature of accusation of the petitioners and material available on record, prayer for pre-arrest bail of the petitioners is rejected.

**(Prabhat Kumar Singh, J)**

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