

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1137 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- SIMRI District- Buxar

1. Om Prakash Yadav Son of Ram Awatar Yadav R/o vill - Tavkal Rai Ke Dera, P.S. - Simari (Hata O.P.), Distt. - Buxar
2. Jai Prakash Yadav @ Ghuran Yadav Son of Ram Awatar Yadav R/o vill - Tavkal Rai Ke Dera, P.S. - Simari (Hata O.P.), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms.Dimpal Kumari, Adv.
For the Opposite Party/s :	Mr.Jagdhar Prasad, APP.
	Mr. Anil Kumar Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in connection with Simari (Hata O.P.) P.S. Case No. 187 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 337 338, 504, 506 of the Indian Penal Code. Later on Section 302 of the IPC was added.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the husband of the informant and one Ram Bacchan Yadav. Later on, Ram Bacchan Yadav died during the course of his treatment.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are close relatives and there is land dispute between them. There is case and counter case between them. It is further submitted that both the petitioners were not present at the place of occurrence as they have been living out of station for their livelihood since long. Petitioner's side has also sustained some injuries. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that the postmortem report of the deceased has supported the prosecution case. Hence, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the postmortem report of the deceased, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the



learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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