

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13680 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- MALI District- Aurangabad

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1. Birendra Yadav @ Virendra Yadav, son of Late Jagdish Yadav Resident of Village- Bisai, P.S.- Mali, District- Aurangabad
 2. Sheo Pujan Yadav, Son of Late Jagdish Yadav Resident of Village- Bisai, P.S.- Mali, District- Aurangabad
 3. Chandan Yadav @ Chandan Kumar, son of Birendra Yadav @ Virendra Yadav Resident of Village- Bisai, P.S.- Mali, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Kamendra Pd. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-04-2025 Heard Mr. Sanjay Kumar, learned counsel for the petitioners, Mr. Suresh Prasad Singh, learned APP for the State and Mr. Kamendra Pd. Singh, learned counsel for the informant.

2. At the outset, learned counsel appearing for the petitioners submits that the petitioner No. 2 has been arrested, so, he wants to withdraw his prayer from the petition.

3. In view of aforesaid submission and prayer, the instant petition stands dismissed as withdrawn in respect of the petitioner No. 2.

4. The petitioners apprehend their arrest in connection with Mali P.S. Case No. 100 of 2024 dated 28.05.2024 registered for the offences punishable under sections 341, 323, 324, 325,



307, 379 and 504 read with section 34 of the Indian Penal Code.

5. As per the prosecution story, the informant alleged that on 16.05.2024 at about 6:30 A.M., when his nephew (bhagina) Niraj Kumar was sitting at the boundary of his house, the FIR named accused persons, armed with Bhujali, iron rod and lathi, came to his house and started abusing and assaulting his nephew, due to which, he sustained injuries.

6. Learned counsel for the petitioner Nos. 1 and 3 submits that the prosecution's story narrated in the FIR is completely false, in fact, the informant of the present matter had shot dead the father of the petitioner Nos. 1 and 2, for which Mali P.S. Case No. 77 of 2023 was registered and due to the said inimical term, a false story was fabricated when the informant's nephew (bhagina) sustained injuries on account of falling down from a vehicle and his injury report is forged, as the concerned medical officer posted at Sadar Hospital, Aurangabad, gave his medical opinion relying upon the report issued by a private orthopedic institute, which was fabricated in collusion with the said private institute. It is further submitted that as per the allegation, the co-accused Durga Yadav inflicted Bhujali blow on the head of the informant's nephew, but no corresponding injury was found on the body of the said injured, which is also sufficient to falsify the prosecution's story.



7. On the other hand, learned counsel appearing for the informant has opposed the bail prayer of the petitioner and submits that the informant's nephew, Niraj Kumar, was assaulted by the co-accused persons, including the petitioners, and he sustained two fracture injuries, which are corroborative to the allegations levelled against the petitioners and the trial of the co-accused Durga Yadav has started and two prosecution witnesses have been examined in the said trial.

8. Learned APP appearing for the State has also opposed the bail prayer of the petitioners.

9. Considering the seriousness of the allegation which relates to attempt to murder and as per the FIR, the informant is said to have witnessed the entire occurrence and he has made specific allegation against the petitioners and as per the above submissions, the informant's nephew, the sole injured, sustained two fracture injuries and the case is under investigation, in my opinion, it is not a fit case to grant the relief of anticipatory bail to the petitioner Nos. 1 and 3. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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