

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13323 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- GURUA District- Gaya

-
1. Vinesh Yadav S/O Deocharan Yadav Resident Of Village- Kendua, P.S.- Gurua, District-Gaya
 2. Kamdeo Yadav @ Kamdev Kumar S/O Deocharan Yadav Resident Of Village- Kendua, P.S.-Gurua, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 25-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Gurua P.S. Case No. 162 of 2024 instituted for the offence under Sections 341, 323, 325, 326, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code (IPC) and subsequently, Section 302 of the IPC was added.

3. Prosecution case in short that due to a land dispute, informant's father was fatally assaulted with deadly weapons by the accused on 18-05-2024, near 'Kendua Temple'. Other family members who tried to intervene were also beaten, and one female victim was physically assaulted and robbed.



4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 26-11-2024. Petitioners bear no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case due to dirty village politics. Petitioners are agnates and there is subsisting land dispute between them. Father of the informant has sustained grievous head injury and during the treatment, he succumbed to the injury. As per postmortem report, cause of death is due to cranio-cerebral injuries and chest injuries caused by hard and blunt substance. There is no independent witness to the occurrence. There is general and omnibus allegation levelled against the petitioners. There is no specific allegation against the petitioners. No incriminating article has been recovered from the possession of the petitioners.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Injured in paragraph No. 37 of the case diary has submitted that petitioner No.1 has assaulted the deceased by means of lathi on his head. Postmortem report corroborates with the allegation levelled in the FIR.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner No.2 and there being no direct allegation against the petitioner No.2, this Court is inclined to grant bail to the petitioner No.2.

8. Let the petitioner No.2, namely, Kamdeo Yadav @ Kamdev Kumar, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gurua P.S. Case No. 162 of 2024.

9. So far as petitioner No.1, namely, Vinesh Yadav, is concerned, taking into the fact that injured has specifically attributed the allegation against the petitioner No.1, this Court, at this stage, is not inclined to grant bail to the petitioner No.1. Prayer for grant of bail to petitioner No.1, namely, Vinesh Yadav is, accordingly, rejected.

10. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

