

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28794 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- SIKANDRA District- Jamui

Rupesh Yadav @ Rupesh Kumar Son of Late Kapil Yadav Resident of village
- Mirzagonj, P.S.- Sikandra, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sanju Singh, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP
For the Informant : Mr. Pramod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Sikandra P.S. Case No. 285 of 2024 registered for the offences punishable under Sections 103(1), 352, 351(2) and 3(5) of the BNSS.
3. The allegation against the petitioner is to commit murder of father of the informant along with other named co-accused persons, where fatal assault alleged to be caused by co-accused Gorelal Yadav.
4. Learned counsel appearing on behalf of the petitioner submitted that allegation of fatal assault is available against



Gorelal Yadav, whereas allegation against petitioner is limited to hold the hand of deceased during the occurrence. It is submitted that allegation has been raised only to aggravate the role of petitioner *qua* crime in question. It is submitted that petitioner implicated with present case in the background of land dispute. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer for anticipatory bail submitted that petitioner actively participated during the occurrence and assaulted deceased, who was 90 years old by fist. It is submitted that, while deceased was being assaulted by Gorelal Yadav by the back of spade petitioner was only holding his hand.

6. In view of aforesaid facts and circumstances and by taking note of fact as petitioner actively participated during the occurrence by holding hand of deceased and also assaulted him by fist during occurrence, accordingly the prayer of anticipatory bail of the petitioner stands rejected herewith.

(Chandra Shekhar Jha, J.)

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