

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39845 of 2025

Arising Out of PS. Case No.-495 Year-2023 Thana- GHOSI District- Jehanabad

1. Haricharan Yadav son of Nanhak Yadav Resident of Village-Lakhawar, P.S-Ghosi, Dist-Jehanabad
2. Awadhesh yadav @ Bindi Yadav son of Haricharan Yadav Resident of Village-Lakhawar, P.S-Ghosi, Dist-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Ghosi P.S. Case No. 495 of 2023, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons called the son of the informant and took him to an orchard in the village where they assaulted informant's son and opened fire upon him due to which he sustained injuries and was declared dead at the hospital.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the allegation levelled against the petitioners are not specific, rather general and omnibus in nature. The informant and petitioners are agnates and they have long standing land dispute in between them. Specific allegation of firing upon the deceased is levelled against co-accused, namely, Rakesh Kumar. The petitioners are in custody since 05.02.2025 and have got one criminal antecedent in which they are on bail. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 22.11.2024 passed in Cr. Misc. No. 69068 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that the petitioners are named in the FIR. There is specific allegation levelled against the petitioner no. 1 of assaulting the deceased by means of iron rod. It is further submitted that death of the deceased has caused by gun shot injury. Hence, the petitioners



does not deserve the privilege of bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation against petitioner no. 1, this Court is not inclined to grant bail to petitioner no. 1. So far as remaining petitioner, i.e. petitioner no. 2, is concerned, this Court is inclined to grant bail to petitioner no. 2.

7. Accordingly, the prayer for grant of bail to petitioner no. 1, namely, Haricharan Yadav, is hereby, **rejected**.

8. So far as petitioner no. 2 is concerned, let the petitioner (**i.e. petitioner no. 2**), be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghosi P.S. Case No. 495 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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