

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69793 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- RAFIGANJ District- Aurangabad

1. Sukhdeo Kumar @ Sukhdev Kumar, aged about 27 years (Male), S/o Basant Prajapat, Resident of village- Kutkuri, P.S. - Rafiganj, District- Aurangabad
2. Amar Kumar, aged about 24 years (Male), S/o Doman Prajapat, Resident of village- Kutkuri, P.S. - Rafiganj, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Kamendra Prasad Singh, Advocate
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mrs. Sakshi Deep, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioners, learned senior counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Rafiganj P.S. Case No. 254 of 2024 dated 22.06.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 504 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, the father of the informant had given land to his uncle Sheonandan Prajapat much prior on *ijara* for cultivation of the land but whenever he went to return the amount and asked him to free the land, he



always denied and claimed that he is the owner of the land. For the same reason on 22.06.2024, the petitioners and the co-accused persons came and started abusing and unanimously attacked with bricks and stones and assaulted Narayan Prajapat, Ramvilas Prajapat and Naval Prajapat with lathi and tangi, causing injury, Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that both the parties are own agnates and there is land dispute between the parties. There was free fight between the parties in which one Narayan Prajapat received injury by the blow given by Ramesh Prajapat who is none else rather he is the full brother of Narayan Prajapat. There is case and counter case between the parties. There is general and omnibus allegation against all the accused persons and it is stated that Narayan Prajapat died during the course of treatment on 28.06.2024 and thereafter Section 302 of the I.P.C. was also added in the present case. The petitioner no. 1 is a student and has appeared in Central Teacher Eligibility Test on 07.07.2024 as stated in paragraph no. 3 of the supplementary affidavit filed on behalf of the petitioners. The



other co-accused person Doman Prajapat has already been granted bail by a Bench of this Court vide Cr. Misc. No. 67976 of 2024 under order dated 17.12.2024. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioners are in custody in this case since 23.06.2024.

5. Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the prayer for bail petition of the petitioners and have further submitted that in course of treatment, one Narayan Prajapat succumbed to the injuries. As per the postmortem report, the cause of death is due to physical assault (head injury).

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Aurangabad in connection with Rafiganj P.S. Case No. 254 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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