

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70675 of 2024

Arising Out of PS. Case No.-681 Year-2023 Thana- JAMUI District- Jamui

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1. Jaya Yadav S/o Late Shukar Yadav R/o vill - Choudiha, P.S. - Jamui, Distt. - Jamui, Bihar
 2. Arbind Kumar S/o Ram Sharan Yadav R/o Jay Nagar, P.S. - Karande, Distt. - Sheikhpura, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-01-2025 Heard learned counsel appearing on behalf of the parties.

2. The petitioners apprehend their arrest in connection with Jamui P.S. Case No.681 of 2023 registered for the offence under Sections 147, 148, 149, 302, 120B, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioners is to have dashed the father and brother of the informant in rash and negligent manner by truck bearing registration no. BR01D2415 along with other co-accused persons, where, they succumbed to the injuries and died on the spot.

4. Learned counsel appearing on behalf of the



petitioners submits that the petitioners have falsely been implicated in the present case. It is submitted that admittedly the murder is not homicide rather it is accidental. It is also submitted that other similarly situated co-accused persons have already been granted regular bail by this Court through Cr. Misc. No.25144 of 2024 on 15.04.2024 and Cr. Misc. No.33282 of 2024 on 20.05.2024 and other similarly situated co-accused persons have also been granted bail by the learned lower court, as stated in paragraph no.40 of the bail petition as well as paragraph no.03 of impugned order dated 03.08.2024. It is submitted that it appears from paragraph no.33 and 34 of the cases diary that who was driving the truck is not mentioned in the FIR at the time of occurrence. It is submitted that there is no specific allegation against these petitioners rather the allegation against these petitioners is general and omnibus.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioners and submitted that there is specific allegation against these petitioners as regards to dashing the father and brother of the informant by truck.

6. In view of the submissions, as made above and nature of allegation and as there is specific allegation



against both petitioners and it appears from perusal of paragraph no.8, 13, 33, 34 ad 35 that the witnesses have supported the version of FIR and as both petitioners dashed the father and brother of the informant by truck with intention to kill them, this Court is not inclined to grant bail to the petitioners.

7. However, it is made clear that if the petitioners would pray for regular bail before the trial court, learned trial court shall consider the prayer for bail of the petitioners on the same day as three accused persons have already been granted bail by learned trial court and pass order without being prejudiced by the order of this Court.

8. Accordingly, this petition is disposed of.

(Ramesh Chand Malviya, J)

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